



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.179/2025 IN WRIT PETITION NO.2570/2021

Bhaurao Gangaram Panchawate .Vs. Swargiya Shri Laxmanji Motghare Charitable
Trust and Ors.

AND

MISC. CIVIL APPLICATION NO.79/2025 IN WRIT PETITION NO.2570/2021

Swargiya Shri Laxmanji Motghare Charitable Trust and Ors. Vs. Bhaurao Gangaram
Panchawate

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Misc. Civil Application No.179/2025

Mr. N. S. Warulkar, Advocate for applicant.

Mr. M. G. Bhangde, Senior Advocate assisted by Mr. A. B. Baheti,
Advocate for non applicant Nos.1 and 2.

Mr. K. R. Lule, A.G.P. for non applicant No.3.

Misc. Civil Application No.79/2025

Mr. M. G. Bhangde, Senior Advocate assisted by Mr. V. P. Marpakwar,
Advocate for applicants.

Mr. N.S. Warulkar, Advocate for non applicant No.1.

Mr. K. R. Lule, A.G.P. for non applicant No.2.

CORAM : ANIL L. PANSARE, J.

DATE : 20.02.2026

Heard.

2. Original petitioner and original respondent Nos. 1 and 2 have filed applications to review judgment and order dated 21.10.2024 passed by this Court in Writ Petition No.2570/2021.

3. Mr. M. G. Bhangde, learned Senior Counsel for applicant in Misc.Civil Application No.79/2025 (original respondent Nos.1 and 2) has invited my attention to paragraphs 12 and 13 of the judgment, wherein it was observed thus:

“12. Thus, it is evident that if not Respondent No.2, Shri Jagdish Motghare, one of the members of the College Development Committee, who happens to be the member of

the managing body as well, has not only appeared as a witness against the Petitioner, but has participated in the entire decision making process to dismiss/terminate the services of the Petitioner. This participation would vitiate the decision making process as well as the decision taken.

13. As such, various other issues are involved in the present case, which includes applicability of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 as also the fulfillment of requisite coram of the managing committee to hold a meeting and pass important resolution of dismissal/termination of an employee. The parties herein have relied upon various Judgments, however, I need not go into these issues, in as much as, the decision making process and the decision having been found vitiated because of participation of Shri Jagdish Motghare, if not of Respondent No.2, the matter will have to be remanded back.”

4. As could be seen, it is held that since Jagdish Motghare was not only a Member of the College Development Committee but was also Member of Managing Body and appeared as witness and since he has participated in entire decision making process to dismiss/terminate the services of original petitioner, his participation would vitiate the decision making process as well as the decision.

5. Argument is that Jagdish Motghare was neither Member of College Development Committee nor had he appeared as witness against petitioner.

6. As against, the counsel for original petitioner submits that the mistake is in the name and not in the finding of the Court as regards participation in the process. He submits that Mr. Naresh Motghare is the one who appeared as witness and also participated in the entire decision making process. He further submits that he was about to make an application to

correct the name, however since the original respondent Nos.1 and 2 filed review application, he did not.

7. When inquired as to whether Naresh Motghare was Member of the Managing Body, he answered in the negative.

8. In that view of the matter, even if the name of “Jagdish Motghare” is corrected as “Naresh Motghare”, there occurred apparent error in the finding that he was Member of the Managing Body.

9. That apart, original petitioner is also seeking review. According to him, while passing the judgment, this Court has not considered the settled position of law that once the dismissal order is set aside, the employee, automatically and as a consequence, gets reinstated to his previous post along with continuity and back-wages. The said settled position, according to the original petitioner, has been overlooked while partly allowing the petition.

10. To this, Mr. Bhangde, learned Senior Counsel submits that the reinstatement is for the notional purpose and for continuing inquiry, not for continuity of service and back-wages.

11. I need not delve upon this issue, firstly because the matter was remanded back with a direction to proceed with the inquiry from the stage of appointing inquiry officer. Thus, the status of original petitioner as was existing at the stage of appointing inquiry officer stood revived. Secondly, I find that the a case for reviewing the order is made out, particularly on the ground that Jagdish Motghare was neither Member of College Development Committee nor had he appeared as witness against the petitioner. Once the review application is allowed and petition restored, both the parties will be at liberty to put forth their submissions.

12. Accordingly, both the applications are allowed. Judgment and order dated 21.10.2024 passed in Writ Peition No.2570/2021 is recalled. Writ Petition No.2570/2021 is restored to file. Registry shall process the same in accordance with the Rules and place it before the appropriate Bench.

The applications are disposed of.

(Anil L. Pansare, J.)

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