

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1268 OF 2023

Smt. Sangita w/o. Chandrakant Thakur ... Petitioner
versus

Dnyansagar Education Society
Ganeshnagar and Others ... Respondents

WITH
WRIT PETITION NO. 2060 OF 2023

Vidya W/o. Vijay Ghosalkar ... Petitioner
versus

Dnyansagar Education Society,
Ganeshnagar and Others ... Respondents

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Mr.V.R.Patil for the Petitioner in both the Petitions.

Mr.Manoj Gujar with Mr. T.R.Yadav i/b. C.R. Naidu and Co. for
Respondent Nos. 1 and 2.

Mr.Manish Upadhye, AGP with Mr.L.T.Satelkar, AGP for the Respondent -State in WP No. 1268 of 2023.

Mr. Himanshu Takke, AGP for the Respondent -State in WP No. 2060 of 2023.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 07 February 2024.

P.C. :

The learned Counsel for Respondent Nos. 1 and 2-Management has drawn our attention to the Appeals filed by the

Petitioners before the School Tribunal. The consent terms were filed when the Petitioners have retired from the service. By consent, it was decided between the Management and the Petitioners that the Petitioners would be reinstated and as regards the pensionary benefits, the Management will cooperate in forwarding the proposal etc.

2. We are informed that the State has taken a stand that pensionary benefits cannot be paid because the State is not a party to the consent terms.

3. That being the position, the learned Counsel for the Petitioners states that the Petitioners have a good case on merits before the School Tribunal. However, since the offer was made by Respondent Nos.1 and 2- Management, the Petitioners were misled in signing the consent terms. If the Appeals would have been allowed on merits, it would have been a different matter. Therefore, the learned Counsel for the Petitioners seeks time to examine whether the Petitioners could approach the School Tribunal for recall of the orders and to consider the Appeals on their own merits.

4. At the request of learned Counsel for the Petitioners, stand over to **22 March 2024**.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)