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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6893 OF 2023

THE SECRETARY LOKMANYA TILAK SHIKSHAN SANSTHA AND
ANOTHER

....Petitioner

VERSUS

PRASHANT BHASKARRAO LASONKAR AND OTHERS

.....Respondent

.....

Advocate for the Petitioner : Dr. R.J. Godbole,
AGP for Respondents: Mr. K.B. Jadhavar.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 6th AUGUST, 2024.

ORDER :-

Heard Dr. Godbole, learned advocate for the petitioner and Mr. Rudrawar, learned advocate for respondent employee.

2. Dr. Godbole submits that the petitioner approached the School Tribunal alleging oral termination dated 5.2.2014. By inviting attention of this court to the notice dated 15.2.2014 and reply filed by respondent employee dated 20.2.2014, he submits that there is nothing to discern that the respondent employee was terminated till 20.2.2014. However, by making fictitious cause of action, the appeal was filed before the Tribunal against alleged termination. He would submit that the respondent employee was never promoted as Head Master. However, the order of the Tribunal directs his reinstatement on the post of Head Master. On this count, he submits that the impugned order is liable to be

quashed and set aside.

3. Per contra, learned advocate Mr. Rudrawar, submits that the respondent employee has served for more than 10 years as Assistant Teacher. His services were approved, however, abruptly he was prevented from attending the school. As such, a case of otherwise termination is made out and Tribunal has rightly passed order directing reinstatement with back wages.

4. Dr. Godbole points out that now, the School tribunal has issued an arrest warrant against the Secretary of the management. Therefore, he urges for grant of interim relief. On instructions from the management, he makes a statement that the management is ready to reinstate the petitioner as Assistant Teacher and urges to grant stay to the impugned order to the extent of back wages.

5. Mr. Rudrawar, learned advocate for respondent employee submits that respondent is ready to join services as Assistant Teacher. However, the Management should forward the salary bills regularly and ensure that he is paid monthly salary from the date of joining.

6. Considering the submissions advanced, the following order is passed :-

ORDER

[a] Rule.

[b] There shall be ad-interim relief in terms of prayer clause (C) subject to condition that the petitioner reinstates the respondent No.1

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employee in service as Assistant Teacher within two weeks from today and also take necessary steps to release his salary from the date of joining.

[c] However, there shall be stay to the impugned order dated 21.02.2022 passed by School Tribunal, Latur, in Appeal No. 12 of 2014 to the extent of direction regarding payment of back wages.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-