

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD**

WRIT PETITION NO. 2460 OF 2011

Vijaykumar Vishnupant Mule .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. I. Wakade, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for Respondent Nos. 1 and 2.

Shri C. V. Dharurkar, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 01ST JULY, 2015.

PER COURT :

1. Mr. Wakade, the learned counsel for the petitioner states that, the petitioner was appointed in June 2000, however, is not paid salary. Many times the petitioner requested the respondents for payment of salary, but no cognizance is taken. The respondents terminated the services of the petitioner in 2010. The petitioner has filed appeal before the School Tribunal. According to the learned counsel, the petitioner is entitled for the salary from the date of his appointment.

2. The learned counsel for respondent Nos. 3 and 4 submits that, the salary has been paid to the petitioner and has produced on record the copies of receipts.

3. It would not be possible for this Court to go in to pros and cons of the allegations, as it would tantamount to go into the disputed

questions and facts. Even otherwise the petitioner can claim salary to the extent of three years prior to the filing of petition. As it is, there is no explanation for not filing of petition earlier.

4. Considering all the aforesaid aspects of the matter, it would be appropriate to relegate the parties before the Deputy Director of Vocational Training and Education, Aurangabad.

5. In the result, we pass the following order.

6. The petitioner may approach the Deputy Director of Vocational Training, Aurangabad raising his claim to the salary for three years prior to 2010. The Deputy Director of Education Shall after hearing the parties and the respondents decide about the aspect of salary of the petitioner. The parties are entitled to file the documents in respect of their stand. In case such claim is lodged by the petitioner, the Deputy Director of Vocational Training shall decide the same expeditiously and preferably within a period of six (06) months from today. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]