

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

**WRIT PETITION NO. 1866 OF 2014**

Gopichand Janardhan Barsale .. Petitioner

**Versus**

The State of Maharashtra and Others .. Respondents

Shri Ramesh I. Wakade, Advocate for the Petitioner.

Shri S. S. Tope, A. G. P. for the Respondent Nos. 1 to 3.

Shri V. S. Panpatte, Advocate for the Respondent Nos. 5 and 6.

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

**DATE : 27TH JULY, 2015.**

**PER COURT :**

1. The dispute is with regard to the payment of salary from 01<sup>st</sup> October, 2007 to 16<sup>th</sup> June, 2013.

2. According to the petitioner the Inspection Report is filed which shows that the inspection was made. On the date of inspection the petitioner was working as Assistant Teacher. On the contrary, according to the Respondent / Management the approved registers are there which shows that the name of the petitioner is not there in the list. The originals are also with the Management. The Education Officer has not filed any affidavit.

3. Rival claims are made against each other. This Court would not enter into the debate with regard to the investigation of facts nor the claim of the petitioner prior to three years of filing of the petition can be considered.

4. The petitioner states that, in respect of his otherwise termination he has filed appeal before the School Tribunal. This Court is not concerned with the said dispute.

5. Considering the nature of the dispute, we pass the following order -

### **ORDER**

I] The petitioner may make a representation with the Deputy Director of Education with regard to the grievance of salary for a period three (3) years prior to filing of the present writ petition.

II] In case such representation is filed the Deputy Director of Education shall consider and decide the said representation and about the factum of working of the petitioner with the Respondent / Management and the aspect of salary for a period of three (3) years prior to February,

2014, after hearing the petitioner, the Management and the Institution.

III] The parties are at liberty to place on record the relevant documents relied by them.

IV] The Respondent / Management is also entitled to file written say.

V] The Deputy Director of Education shall consider the documents and the written pleas filed by the respective parties on its own merits and shall decide the same expeditiously, preferably within a period of six (6) months from the date of receipt of representation.

VI] It is made clear that, we have not considered the merits of the contentions of respective parties.

6. Writ petition is disposed of. No costs.

**[ V. K. JADHAV, J. ]**

**[ S. V. GANGAPURWALA, J. ]**