

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

WRIT PETITION NO. 188 OF 2004

Narendra s/o. Deochand Tayade .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Mr. P.R. Patil, Advocate for the petitioner.
Mr. S.D. Ghayal, AGP for respondent/State.
Mr. G.V. Wani, Advocate for respondent Nos. 3 & 4.

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.
DATED : 13.10.2015**

P.C. :-

1. Learned Counsel for the petitioner made statement that the petitioner would seek limited relief only to the extent of payment of salary for the period commencing from July, 1999 till April, 2000. It is an admitted fact that in July, 1999 the petitioner was appointed by respondent Nos. 3 & 4 as Assistant Teacher in Ashram School. It is also admitted fact that in May, 2000, the Department gave approval to the petitioner's appointment as Assistant Teacher. The petitioner received salary thereafter regularly from the Government. The grievance of the petitioner since beginning was that he was not paid salary from July, 1999 till April, 2000. According to the State of Maharashtra this liability should be fastened to the management because during this period the appointment of the petitioner was not approved by the State of Maharashtra. In earlier writ petition No.355 of 2000, this Court directed the Commissioner, Tribal

Development, Nashik Division, to decide the claim of the petitioner. The Commissioner specifically held that the petitioner's service period prior to approval of the Government in the year 2000-2001 & 2002-2003 would be management's liability. Despite such clear direction given by order of the Commissioner dated 18.06.2002, respondent No.4 simply ignored their liability. Even today, learned Counsel for respondent Nos.3 & 4 tried to mis-interpret the order dated 18.06.2002.

2. As said above, it is an admitted fact that the petitioner worked with respondent Nos.3 & 4 school from 01.07.1999 till 30.04.2000. Certificate to that effect was issued by respondent Nos.3 & 4 and is annexed to the petition at Exh. G" - page 20. Respondent Nos.3 & 4 should, therefore, disburse the arrears of salary for this period to the petitioner along with interest at the rate of 6% p.a. from April, 2000 till the amount is actually paid, within six months from today.

3. With above directions, the writ petition stands disposed of. Rule made absolute accordingly.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]