

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 4065 OF 2014
IN
WRIT PETITION NO. 1815 OF 2011

VIJAYA ASHOK KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant Mr. Barlinge S.R.

AGP for Respondents: Mr.A.S.Shinde.

Advocate for Respondent No.2 : Mr.V.J.Dixit, Senior Counsel, i/b.
Mr.S.B.Yawalkar.

Advocate for Respondent No.4 : Mr.S.T.Shelke.

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CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**

DATE : 12th January, 2015.

P.C.:

. This is an application filed by the Writ Petitioner for withdrawal of the amount deposited by the Respondent – Management i.e. salary preceding two years as per the untrained teachers' pay scale.

2 Writ Petition is already admitted. It is not disputed that the salary for the said period for which amount is deposited, was not paid. There is a dispute with regard to the pay scale and also with regard to the entitlement of the Petitioner for the said salary.

3 It is not a disputable issue that the Petitioner had worked during the said period.

4 Considering the above, we pass the following order:

I. The Petitioner is allowed to withdraw the amount

deposited by the Respondent – Management without prejudice to the rights of either parties and upon the Applicant submitting an undertaking to this Court that in event the Applicant is directed to redeposit the amount, the Applicant shall deposit the same within one month.

II. Civil application stands disposed of.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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