

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

Writ Petition No. 6996 of 2014

Rajkumar s/o. Venkatrao Mohite,
Age ; 41 years,
Occupation : Service,
R/o. Shri Primary School,
Vaibhav Nagar, Latur,
Taluka & District : Latur.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
2. The Deputy Director of Education,
Latur Division, Latur.
3. The Education Officer (Primary),
Zilla Parishad, Latur,
Taluka and District : Latur.
4. The Secretary,
Dnyandan Shikshan Prasarak Mandal,
Vaibhav Nagar, Khani Vibhag, Latur,
Taluka and District : Latur.
5. The Head Master,
Shri Prathmik Vidyamandir,
Vaibhav Nagar, Khani Vibhag,
Latur, Taluka and District : Latur.

.. Respondents.

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Mr. R.R. Suryawanshi, Advocate, for the petitioner.

*Mrs. S.G. Chincholkar, Assistant Government Pleader,
for respondent nos.1 and 2.*

*Mr. V.C. Patil, Advocate, holding for
Mr. U.B. Bondar, Advocate, for respondent no.3.*

Mr. G.J. Kore, Advocate, for respondent nos.4 and 5.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 14TH SEPTEMBER 2015

ORAL JUDGMENT (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. Rule. Rule made returnable forthwith. By consent of the learned Counsel for the parties, heard finally.
3. This petition is filed by the petitioner, aggrieved by the action of respondent no.3 - Education Officer (Primary), to stop salary of the petitioner from the month of January 2013.
4. The learned Counsel appearing for the petitioner invited our attention to the various documents which are placed on record with the petition and submitted that the petitioner was appointed on 7th June 1993 and his appointment was continued from time to time, so also, approval was granted by the Education Officer. It is further submitted that the petitioner was allowed to complete the Postal D.Ed. course, which he completed satisfactorily and to that effect, certificate is issued on 31-12-2003. It is submitted that the final approval was granted by the Education Officer (Primary), Zilla Parishad, Latur, to the services of the petitioner in

regular pay scale of Rs. 4,500-7,000/-. Therefore, according to the learned Counsel for the petitioner, there was no reason for respondent no.3 - Education Officer (Primary) to stop salary of the petitioner.

5. The learned Counsel appearing for the petitioner has also invited our attention to the fact, that though the petitioner has served for the period from 1st May 1995 to 24th June 2007, however, he has not been paid regular salary and arrears of salary for the said period.

6. In the present petition, we are not inclined to entertain the prayer of the petitioner to the extent of arrears of salary and regular salary for the period from 1st May 1995 to 24th June 2007. However, we grant liberty to the petitioner to take appropriate remedy for redressal of his grievance. We have not expressed any opinion on merits of the said aspect.

7. However, upon perusal of the material placed on record and reply filed by the respondent no.3, it appears that respondent no.3 - Education Officer (Primary) of Zilla Parishad visited the school and he found that the petitioner was assigned job of teaching on unauthorized division and that is the reason weighed with respondent no.3 - Education Officer (Primary) to stop salary of the petitioner. Even according to the Education Officer (Primary), upon visit to the school, he found that unauthorized divisions are being run by the institution and the petitioner was teaching on one of such unauthorized division. We do not countenance act of respondent no.3 to suddenly stop salary of the petitioner on the basis of visit of his nominee to the school and merely because the petitioner was teaching on one unauthorized division. In that

respect, the Education Officer (Primary) ought to have followed procedure. He ought to have taken into consideration the fact, that the petitioner was appointed in the month of June 1993 and he has rendered satisfactory services. His services are continuous on permanent basis, approved by respondent no.3, and he was placed in regular pay scale in the year 2005. In that view of the matter, in our opinion, the action of respondent no.3, to stop salary of the petitioner, cannot be countenance.

8. In the result, the petition is partly allowed.

(a) We direct respondent no.3 - Education Officer (Primary), Zilla Parishad, Latur, to release salary of the petitioner from the month of January 2013, till date and further continue to pay his salary as it was paid earlier.

(b) So far as claim of the petitioner for salary and arrears of salary for the period from 1st May 1995 to 24th June 2007, he shall be at liberty to take appropriate steps, in accordance with law. It is made clear, that we have not expressed any opinion on merits in that respect.

9. Rule is made absolute in the above terms. There shall be no order as to costs.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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