

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 337 OF 2010

SHAIKH RABIA BEGUM MOHAMMAD HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioner : Mr.N.V.Gavare h/f Mr.S.N. Patil
AGP for Respondents: Mr.A.S.Shinde
Mrs.Deshpande Manjusha A.for R.no.5.
Mr.R.H.Mewara h/f Mr. Pathan Hamzakhan I.for R.no.2.
Mr.Wakade Ramesh I. For R/3and 4

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

DATED : 23rd FEBRUARY, 2015

P.C. :-

Mr.Gavare, learned counsel for petitioner submits that the petitioner is not paid salary from April, 2006 till 31/8/2006 so also, from 31/3/2009 to 14/8/2009. According to the learned counsel, the Education Officer had appointed Enquiry Officer. The Enquiry Officer submitted report on 26/8/2006. As per the said report, the petitioner is held entitled to the salary. There is another enquiry report dated 6/9/2009. The same is also submitted to the Education Officer. According to the learned counsel, the management is responsible to pay salary to the petitioner.

2] Mr.Wakade, learned counsel for the respondent Head Master submits that the petitioner was absent, as such is not entitled for the salary for the aforesaid period. The enquiry report dated 6/9/2009 makes the position clear. As the petitioner was absent, salary could not have been paid. Even musters are placed on record to show that

the petitioner was absent during the said period.

3] Heard learned counsel for respondent no.2 and Mrs. Deshpande, learned counsel for respondent no.5.

4] This Court would not enter into the disputed questions of facts. It appears that enquiry report is submitted to the Education Officer (Exh.K and Exh.R-4). It is for the Education Officer to take decision upon the same.

5] In light of above, we pass following order :

a] The Education Officer shall consider enquiry report (Exh.K and Exh.R-4) so also may hear the petitioner and the respondents and take appropriate decision with regard to the payment of salary for the period from April 2006 to 31/8/2006 and 31/3/2009 to 14/8/2009. Parties are at liberty to represent themselves before Education Officer. The Education Officer shall take decision expeditiously.

6] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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