

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

WRIT PETITION NO. 9983 OF 2014

Ravindra Madhusudan Khanpurkar .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri R. R. Suryawanshi, Advocate for the Petitioner.

Shri K. G. Patil, A. G. P. for Respondent Nos. 1 to 3.

Shri Kalyan V. Patil, Advocate for the Respondent No. 4.

Kum. Surekha Mahajan, Advocate for the Respondent No. 5

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

DATE : 11TH AUGUST, 2015.

PER COURT :

1. The learned counsel for the petitioner states that, the petitioner is not paid the salary since March, 2014. The learned counsel for the petitioner states that, the Headmaster is not allowing the petitioner to work nor is including the name of the petitioner in the salary bills. According to the learned counsel, Medical Certificates are also given, the same are not been considered.

2. Miss. Mahajan, the learned counsel for Respondent No. 5 states that, there is no dereliction of duty on the part of

Respondent No. 5. The Respondent No. 5 is sticking to the Rules. The certificate states that, the petitioner is undergoing treatment with the psychiatrist, as such, unless, fitness certificate is obtained petitioner cannot claim right to work in the Institution where children are taking education. The learned counsel submits that, the petitioner is a brother of Respondent No. 4. Whatever allegations are made against Respondent No. 5 are absolutely incorrect. The Respondent No. 5 is not against any individual but, is insisting upon following the Rules. Whatever action is sought to be taken against Respondent No. 5 is not in consonance with the factual matrix.

Miss. Mahajan, learned counsel states that, the notice of termination was issued by the Management. The members of the teaching and non teaching staff except the petitioner approached this Court, wherein the orders of stay were granted and it was clarified that the stay order would operate in favour of only those persons who were before the Court. The petitioner was not party to the said writ petition, as such, there was no order of stay.

3. The learned counsel for Respondent No. 4 supports the stand of the petitioner.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. The Education Officer has also filed affidavit stating that the Headmaster has been directed to include name of the petitioner in the salary bills. Time to time notices are also given.

6. It also appears that, the notice of termination which was issued has been stayed by the Management after the orders are passed by this Court in the earlier writ petition. It appears that, the petitioner is not terminated as on date is also borne out from the affidavit of Respondent No. 4, so also, of the Education Officer.

7. Considering the aforesaid conspectus of the matter, the Respondent No. 5 shall submit the salary bills of the petitioner including the arrears with the Education Officer within a period of two (2) months. The petitioner shall also place on record the Fitness Certificate with the Respondent No. 5.

8. On submission of the salary bills by the Respondent No. 5, action taken against the Respondent No. 5 by the Education Officer for non submission of the salary bills of the petitioner shall stand withdrawn. Writ petition is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]