

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10025 OF 2014

GOVIND BABURAO JATKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh Sachin S.
AGP for Respondents 1 and 2: Mr. K.J. Ghute Patil
Advocate for Respondent No.4 : Mr. S.S. Thombre
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd JULY, 2015

P.C. :-

1. We have heard learned counsel for the respective parties.
2. The contention of the petitioner is that the petitioner has worked in the respondent school from 15.6.2010 till 23.3.2013. According to the learned counsel for the petitioner, the attendance register for all these three years shows the presence of the petitioner. The same is also counter signed by the Head Master at the relevant time. Even inspection has been done by the Zilla Parishad and the inspecting authority has also signed the same. This would lead to facilitate the claim of the petitioner. The petitioner is not paid salary for the said period when the petitioner has actually worked. The petitioner is entitled for the salary. The respondent

school at the relevant time was on non grant basis, as such it is the management who is responsible to pay the salary.

3. The learned counsel for the respondent management disputes the register placed by the present petitioner and also disputed that the petitioner was ever appointed in the school.

4. The rival claims are made. The dispute, with regard to the veracity and genuineness of the attendance register, the inspection done and the counter signature of the Head Master, will have to be tested. Considering the above, we feel it appropriate to relegate the parties before the Deputy Director of Education to consider the rival claim.

5. In the light of the above we pass the following order:-

O R D E R

- I) The petitioner and the respondents are relegated before the Deputy Director of Education and the Deputy Director of Education shall, after hearing the case of the petitioner so also the respondents, pass an appropriate order with regard to the salary of the petitioner. All contentions of the

respective parties are kept open. The Deputy Director of Education shall decide the aspect for which the matter is referred to, expeditiously, preferably within six months.

II) Writ petition is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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