

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 6924 OF 2014**

Mr. Nandkishor Babanrao Gaikwad

....Petitioner.

Vs.

The State of Maharashtra and ors

....Respondents.

Mr. V.V. Ugle for the Petitioner.

Ms. S.S. Bhende, AGP for the Respondent Nos. 1 and 2.

Mr. Milind Deshmukh for the Respondent Nos. 3 and 4.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 19.01.2015

P.C.:-

By this Petition, the Petitioner seeks a direction to the Respondent Nos. 3 and 4 to pay full back wages during the leave period from 1.3.2011 to 20.06.2012.

The Petitioner claimed that he was terminated by the Respondent Nos. 3 and 4 from service with effect from 1.3.2011 and, therefore, the Petitioner filed an Appeal before the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The Respondent Nos. 3 and 4 filed the written statement and stated that they had not terminated the services of the Petitioner and the Petitioner was free to join the services. In view of the

aforesaid, the Petitioner went to the school and was permitted to work. The Petitioner has now claimed the salary for the period from 1.3.2011 till the Petitioner resumed the duties on 20.6.2012 with the Respondent Nos. 3 and 4 during the pendency of the Appeal.

The relief sought by the Petitioner cannot be granted. Though the Petitioner had claimed the back wages and the arrears of salary, the order of the School Tribunal is silent on the said reliefs. Admittedly, the Petitioner had not worked during the said period and, therefore, the Petitioner cannot claim the salary for that period.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)