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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 3045 OF 2014**

Suresh Shankar Dukale and Ors. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. S.S. Patwardhan for the petitioners.

Mrs. S.S. Bane, A.G.P. for respondent nos. 1 and 2.

Mr. Saurabh Pakale i/by Mr. A.R. Belge for respondent no. 3.

Mr. Vivek Salunkhe for respondent no. 4.

**CORAM : SMT. VASANTI A. NAIK &  
SHRI C.V. BHADANG, JJ.  
DATED : 20<sup>th</sup> JANUARY, 2015**

**P.C.**

By this petition, the petitioners seek a direction to the respondents to pay the salary from the month of October, 2012.

According to the petitioners, though the petitioners are serving in the school at the sanctioned location, the headmistress and the other teachers started working in the school which was shifted to another location. It is stated that the petitioners are serving in the school where it was located initially. According to the petitioners, the respondents were liable to pay salary to the petitioners, but they have stopped paying the same since October, 2012.

The learned counsel for the respondent Management disputes the said position. It is stated on behalf of respondent no. 3 that the petitioners stopped rendering their services in the school run by the respondent no. 3 and though the Management issued communications to the petitioners to perform their duties, the petitioners failed to join the duties. It is stated that in this background, respondent no.3 had no other course open but to terminate the services of the petitioners. It is stated that the petitioners would not be entitled to salary as they are no more in service.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioners cannot be granted. There is a serious dispute whether the petitioners are working in the school run by respondent no. 3 Management. The petitioners have asserted that they are working in the school at the place where the school was located initially, whereas it is the case of respondent no. 3 that the school is shifted in some other premises in the same village and the petitioners have stopped attending the school since October, 2012. Since disputed questions of facts arise for determination in this writ petition, the writ petition is liable to be dismissed.

In view of the aforesaid, the writ petition is dismissed with no order as to costs. The points raised in the petition are however, kept open.

**(C.V. BHADANG,J.)**

**(VASANTI A.NAIK, J.)**