

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1428 OF 2013

(Shri Ashish Suresh Pimpalshende vs. State of Maharashtra thr. Secretary, Department of Education & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
JANUARY 27, 2015.**

Heard Shri Parchure, learned counsel for the petitioner and Shri Kankale, learned AGP for respondent Nos. 1 to 3.

A perusal of order passed by this Court on 21.11.2013 shows that Respondent Nos. 4 & 5 were not opposing the case of present petitioner. Shri Parchure, learned counsel submits that as this Court while issuing notice in the matter ordered status quo as on that date i.e. on 18.03.2013. Though orders of this Court dated 21.11.2013 have been implemented, salary of the petitioner for the period from 01.03.2013 till 17.03.2013 has not been paid. He points out that the management, because of grant of status quo order as on the date i.e. 18.03.2013, could not and did not forward the salary bills for that period.

Ms. Jaiswal, learned counsel holding for Shri Khajanchi, learned counsel for respondent Nos. 4 & 5, informs that she has no instructions on the controversy.

The learned AGP submits that the orders of this Court dated 21.11.2013 have been complied with and a web site with necessary data has also been created. He is inviting attention to orders dated 13.01.2015 for the said purpose.

We find that the present petition can be disposed of by directing Respondent Nos. 4 & 5 to submit salary bills of the petitioner for the period from 01.03.2013 to 17.03.2013. If such salary bill is submitted by the management within four weeks from today, Respondent No. 3 shall look into it within a further period of six weeks and the amount found payable shall be released to the petitioner within next two months. Acceptance of that amount shall not preclude the petitioner from challenging the correctness of the exercise undertaken.

The perusal of Court order dated 13.01.2015 shows that the communication dated 12.01.2015 received by the office of the Government Pleader about creation of web site was taken on record and marked as X for identification. The question before this Court is why such a web site has been created only for Nagpur Division and it cannot contain data for the entire State of Maharashtra. When a surplus teacher is being paid out of public revenue without any work, he/ she has to be provided work anywhere in the State of Maharashtra depending upon availability thereof.

The learned AGP submits that he will like to

have instructions in this respect.

Shri Parchure, learned counsel, however, informs that in his petition i.e. Writ Petition No. 2139 of 2014 filed by the Management viz. Progressive Education Society, this Court has on 22.01.2015 directed a Public Interest Litigation to be registered in which this issue is also being looked into.

In this situation, we direct the Registry to place on the record of said PIL, orders dated 13.01.2015 passed in Writ Petition No. 1428 of 2013 as also orders dated 21.11.2013 therein along with copy of Exh. 'X' so that the issue can thereafter be dealt with in said PIL.

With these directions, present writ petition is disposed of. No order as to costs.

JUDGE

JUDGE

*G.S.