

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2319/2015

(MOHD. SHAHID MOHD. ANSAR **VERSUS** THE COLLECTOR & CHAIRMAN, DISTRICT SELECTION
 COMMITTEE, BULDANA & OTHERS)

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

Court's or Judge's orders

Shri A.S. Agrawal with Shri P.B. Patil, counsel for the petitioner.
 Shri N.S. Rao, A.G.P. for the R-1 & 2.
 Shri S.P. Palshikar, counsel for the R-3 & 4.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 17, 2015.

By this petition, the petitioner seeks a direction to the Education Officer (Secondary) to decide the proposal dated 07.10.2013 for grant of approval to the appointment of the petitioner. The petitioner seeks a direction to the respondent no.3- Municipal Council to pay the salary of the petitioner from 2008 to 2013, with interest.

Shri Palshikar, the learned counsel for the respondent nos.3 and 4, states by relying on the affidavit-in-reply filed on behalf of the respondent nos.3 and 4 that the petitioner's services were terminated by the respondent nos.3 and 4, on 27.07.2012. It is stated that in stead of availing an appropriate remedy, the petitioner has approached this Court with a false claim that the petitioner is working and that the petitioner's appointment should be approved. It is stated that the petitioner has not signed the muster roll after 27.07.2012 and the said fact could be depicted from Annexure-R-3-2, annexed to the affidavit-in-reply. It is submitted that this Court may not entertain the writ petition in the circumstances of the case.

On hearing the learned counsel for the parties, it appears that it would not be proper to entertain the writ petition in respect of the relief claimed. A direction cannot be issued to the Education Officer to decide the proposal dated 07.10.2013 when it is the case of the respondent nos.3 and 4 that the petitioner's services were terminated much earlier, i.e. on 27.07.2012. The claim of the petitioner for salary from 26.06.2008 to 19.03.2012 is time barred. Since the respondent nos.3 and 4 claim that the services of the petitioner were terminated on 27.07.2012, the question of payment of salary would remain only for a period of four months, at the most. There is dispute in regard to the payment of salary to the petitioner for this short period. The petitioner is entitled to avail the appropriate remedy for seeking the relief in accordance with law.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

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