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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 922 OF 2015

Mahendra Vasantrya Bhoite & anr. ..PETITIONERS

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr N. D. Sonavane, Advocate for petitioners;
Mr V. S. Badakh, A.G.P. for respondent/State
Mr A. D. Shinde, Advocate h/f Mr K. B. Jadhav,
Advocate for respondent No. 7

WITH

WRIT PETITION NO. 6909 OF 2014

Bhagwan Baburao Patil & ors. ..PETITIONERS

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr S. R. Barlinge, Advocate for petitioners;
Mr V. S. Badakh, A.G.P. for respondent/State

WITH

CIVIL APPLICATION NO. 6901 OF 2015

IN

WRIT PETITION NO. 6909 OF 2014

Nilesh Ranjit Bhoite ..APPLICANT

VERSUS

Bhagwan Baburao Patil & ors. ..RESPONDENTS

Mr A. D. Shinde, Advocate for applicant;
Mr S. R. Barlinge, Advocate for respondent Nos. 1
to 4;

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Mr V. S. Badakh, A.G.P. for respondent/State;

**CORAM : S.V. GANGAPURWALA &
N.W. SAMBRE, JJ.**

DATE : 14th SEPTEMBER, 2016

ORDER :

The petitioners in all these petitions seek salary for a period the interim order was in force in the writ petitions filed by them earlier.

2. Mr. Barlinge and Mr. Sonavane, learned Counsel for respective petitioners state that the petitioners were transferred by the management from one college to another college. The petitioners had approached this Court by filing writ petitions and this Court had granted stay to the order of transfer and same was in force till disposal of the writ petition on 6th February, 2014. According to learned Counsel in Writ Petition No. 922 of 2015, petitioner No. 1 had filed writ petition and interim order was passed in his favour on 6th May, 2013 and petitioner No. 2 in the said petition was granted interim order on 9th May, 2013, whereas the

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interim order staying transfer order was passed in favour of the petitioners in Writ Petition No. 6909 of 2014 on 6th May, 2013. According to learned Counsel, the said interim order was in force till the disposal of writ petition on 6th February, 2014. The petitioners are claiming salary for the period of which the interim order was in force. Learned Counsel submits that the petitioners have worked at their original post pursuant to the stay granted by this Court, as such, are entitled for the salary.

3. Mr. Shinde, learned Counsel for the respondent-management states that in the capacity of Secretary, Secretary has directed the Principal of the respective colleges to allow the petitioners to join, however, the Principal did not obey the orders passed by this Court staying the transfer order.

4. Mr. Badakh, learned A.G.P. submits that even Deputy Director of Education had given letter

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to the Principal to allow the petitioners to work pursuant to the stay granted by this Court. However, as the petitioners were not allowed to work by the Principal, the management has to pay salary for the said period.

5. We have considered the submissions canvassed by learned Counsel for the respective parties. It is not disputed that all these petitioners had approached this Court challenging the order of transfer and this Court had granted stay in favour of the petitioners on 6th May, 2013 and 9th May, 2013 and the said order of stay was in force till 6th February, 2014. None of the parties disputed that the petitioners were ready to work at their original place. On the contrary, it is submitted by Mr. Shinde, learned Counsel appearing for the Secretary that the Secretary had directed the Principal to allow the petitioners to work. As such, it is crystal clear that the petitioners were ready to work at their original post. We need not enter into debate as to whether the petitioners

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were allowed to work on their original post or not. Nonetheless, the petitioners are not at fault, even the order of transfer was stayed by this Court.

6. Considering the above, the petitioners would be entitled for the salary for the period of transfer order was in force. In the result, we pass the following order.

: O R D E R :

The Principal of the College where the petitioners were working prior to the order of transfer shall submit salary bills from 6th May, 2013 in case of petitioner No.1 in Writ Petition No. 922 of 2015 and all the petitioners in Writ Petition No.6909 of 2014 and from 9th May, 2013 in case of petitioner No. 2 in Writ Petition No. 922 of 2015 till 6th February, 2014, to the Joint Director of Education, same shall be processed and if there is no other impediment, the said salary be paid to the petitioners expeditiously.

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7. Both the writ petitions, accordingly, stand disposed of. No costs.

8. In view of disposal of the writ petitions, civil application is also stands disposed of.

(N.W. SAMBRE, J.)

(S.V. GANGAPURWALA, J.)

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