

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

**CIVIL APPLICATION NO. 1560 OF 2016
IN
WRIT PETITION NO. 4533 OF 2013**

Jijabai Premraj Chavan

..APPLICANT

VERSUS

Satpuda Shikshan Prasarak Mandal

..RESPONDENT

....

Mr. D.A. Mane, Advocate h/f Mr. Milind Patil, Advocate for applicant.

Mr. B.R. Warma, Advocate for Respondent Nos.1 and 2.

Mr. A.P. Basarkar, AGP for Respondent No.3.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 15th APRIL, 2016

ORDER :

1. The applicant by this application submits that she has been reinstated in service and an amount of Rs.2 lakhs towards back wages have also been deposited in this Court under its orders.

2. Further submission is that the non-applicant management be directed to pay regular salary to the applicant on account of her reinstatement.

3. Mr. Warma, learned Counsel appearing on behalf of the management submits that the amount, that has been deposited, is towards back wages. She is not entitled to the said amount. If the applicant has to withdraw the said amount, she has to file an affidavit undertaking in this Court mentioning that she will have to deposit the said amount in this Court if the management succeeds in the petition.

4. To the extent of the reinstatement of the applicant is concerned, Mr. Warma submits that she has been reinstated and she is getting her wages for each month. The issue is as to whether she is entitled for regular salary could be considered along with the petition.

5. I have heard learned Counsels for the respective sides.

6. The issue as raised by the applicant in prayer clause (G) need not be considered by this Court as she can very well move the the education department if she has any grievance about the

management compelling her to remain in the school premises after 05.25 p.m.

7. In so far as the muster roll for making her attendance is concerned, it is stated that the management in its wisdom would allow the applicant to sign the muster roll so as to ensure that it evidences her attendance and helps the management to calculate her wages to be paid.

8. In so far as the increments are concerned, the said issue would be dealt with while deciding the writ petition.

9. In so far as withdrawal of Rs.2 lakhs is concerned, the applicant is permitted to withdraw an amount of Rs.2 lakhs only as has been deposited on 17.06.2014 subject to filing an affidavit undertaking duly sworn along with a copy of her Voter ID card and PAN card. The affidavit shall mention that in the event the management succeeds in the writ petition and in the event it is concluded that the applicant was not entitled to any back wages or

any legal dues, she shall deposit the same amount in this Court, without interest, within three months from the date of such result.

10. Civil application is therefore partly allowed in the light of the above.

(RAVINDRA V. GHUGE, J.)