

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7488 OF 2016

MAHANANDA DINKAR PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri R.N.Dhorde, Sr. Advocate
i/b Shri Girish V. Wani
AGP for Respondent 1 & 2 : Shri Sujit Karlekar
Advocate for Respondents 3 & 4 : Shri Mahesh S.Deshmukh

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 20, 2016
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PER COURT :-

1. Heard learned Advocates for the respective parties.
2. A host of factors have been canvassed by the litigating sides. Keeping in view that the appeal of the petitioner with regard to the change in date of birth and subsequent cancellation of the order permitting the change, is pending before the Sub Divisional Officer, Jalgaon Division, Jalgaon, that I am not dealing with the respective contentions of the parties, lest it is likely to impact the pending proceedings.
3. In so far as this petition is concerned, issue of recovery of salary paid to the petitioner, since she continued beyond March 2015 till her termination on 21.6.2016, has been raised. There is no dispute that because of the order granting the change in the date of birth, that the petitioner continued in employment after March 2015.
4. In the above backdrop, I expressed my view that the petitioner should deposit the salary from April 2015 till June 2016, actually received by her before the appellate authority. Shri Dhorde submits on instructions that the said amount can be deposited within four weeks, subject to the condition that the money shall remain with the appellate authority till the

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decision in the pending appeal.

5. Learned Advocates for the respondents do not oppose.

6. In the light of the above, this petition is disposed off by recording the statement of the petitioner that the said amount shall be deposited before the authority dealing with the pending appeal within four weeks. Till the decision in the said appeal, the appeal authority shall invest the said amount in a fixed deposit receipt with any nationalized bank within the municipal limits of Jalgaon city, initially, for a period of three months. Needless to state, neither of the parties would be at liberty to withdraw the said amount until the pending appeal is decided.

7. Needless to state, if the amount is not deposited, this protection shall stand vacated without reference to this Court.

(RAVINDRA V. GHUGE, J.)

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