

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

20 WRIT PETITION NO. 10757 OF 2015

MANDA NANDKISHOR AKOLKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Dhakne Vijay A.
Addl.GP for Respondents State: Mrs. A. V. Gondhalekar
Advocate for respondents 3 and 4: Mr. Rahul R. Karpe

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 14th December, 2016

ORDER:

1. Mr. Dhakne, the learned counsel for the petitioner submits that husband of petitioner had worked with respondent No.3 Institution since the year 2008. The approval was not granted to the husband of the petitioner. Respondent Nos. 3 and 4 have extracted work from the husband of the petitioner for the period from 01.07.2008 to 30th June, 2014, however salary is not paid. The petitioner is entitled for the same.

2. Mr. Karpe, the learned counsel for respondent Nos. 3 and 4 submits that the petition involves various disputed question of facts. The school is on non grant basis. According to the learned counsel, the proposal for approval came to be rejected by the Education Officer as the said post was reserved for ST category.

Genuineness of the experience certificate is denied.
The petitioner is not entitled for the reliefs claimed.

3. This Court, in its order dated 13th July, 2016, had directed respondent No.2 to hear the petitioner and respondent Nos. 3 and 4 and thereafter submit his report. Pursuant to the directions of this Court, the Education Officer has conducted the hearing and has submitted the report. As per the report submitted by the Education Officer, the husband of the petitioner has worked from 1st July, 2008 to March, 2010 and 14th June, 2010 to 28th September, 2012. The Management certainly would be responsible to pay the petitioner salary for the said period as the husband of the petitioner has discharged his services with the respondent Institution.

4. The husband of the petitioner would be entitled to the salary as per the pay scale mentioned in Schedule "C" of the Maharashtra Employees of Private Schools (Conditions of Service) Rules. Husband of the petitioner was qualified as B.Sc. B.P.Ed. The petitioner is required to be paid salary in the pay scale of Rs.1400-2600/- as per Schedule "C". In the result, we pass following order.

O R D E R

Respondent Nos. 3 and 4 shall pay the salary dues of the husband of the petitioner to the petitioner in the pay scale of Rs.1400-2600/- per month from 1st July, 2008 to March, 2010 and 14th June, 2010 to 28th September, 2012. The same shall be paid expeditiously preferably with 6 months from today.

5. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC