

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3508 OF 2015

Dileep Ramsahay Sahani.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. N. V. Bandiwadekar i/b Sagar Mane for the Petitioner.

Mr. V. M. Mali, AGP for the State.

Mr. A. S. Rao for Respondent No. 2 and 3.

Mr. A. G. Kothari for Respondent No. 4 and 5.

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : **August 10, 2016.**

P. C. :

1. This writ petition is filed for following reliefs :

“(b) By a suitable writ, order or direction, this Hon'ble Court be pleased to direct Respondent Nos. 2 to 5 to enter the date of appointment of the Petitioner as a teacher in Respondent No. 5 school being 16.06.2007 as also in the Last Pay Certificate to be issued by Respondent No. 5, and to forward the said record of the Petitioner to the Navi Mumbai Municipal Corporation, Education Department, since the Petitioner has been absorbed and working the Primary School of the said authority.

(c) By a suitable writ, order or direction, this Hon'ble Court be pleased to direct Respondent No. 2 to 5 to pay the unpaid salary to the Petitioner for the period from 22.06.2013 to 10.10.2013 when the Petitioner was working as a Primary Teacher in Respondent No. 5 School.

(d) By a suitable writ, order or direction, this Hon'ble Court be pleased to direct Respondent No. 4

and 5 to pay the arrears of salary to the Petitioner for the period from 01.06.2013 to 21.06.2013 after deducting an amount of Rs.6,641/- paid to the Petitioner for the said period since the Petitioner has worked during the said period without any leave or absence."

2. So far as the relief claimed in prayer clause (d) is concerned, Mr. Rao, the learned Counsel appearing for the Respondent Nos.2 and 3 and Mr. Kothari, the learned Counsel appearing for the Respondent Nos. 4 and 5 do not dispute that the Petitioner was first appointed on 16th June 2007 as Shikshan Sevak and after completion of three years service, he was appointed as Assistant Teacher with effect from 16th June 2010. There is also no dispute that his appointment was approved from time to time by the concerned authority. There is also no dispute that the Petitioner was rendered surplus and was, therefore, absorbed in a school in the area of Navi Mumbai Municipal Corporation.

3. The limited grievance of the Petitioner is that in the relieving letter and the Last Pay Certificate issued by Respondent No.5, the date of first appointment of the Petitioner is shown as 16th June 2008 instead of 16th June 2007. Mr. Rao and Mr. Kothari, on instructions, fairly submitted that this mistake would be corrected and

necessary correspondence with Navi Mumbai Municipal Corporation would be made within four weeks from today. Statements are accepted. In the light of above, relief sought in prayer clause (b) no more survives.

4. So far as the reliefs claimed in prayer clauses (c) and (d) are concerned, Mr. Kothari, the learned Counsel appearing for Respondent Nos. 4 and 5 submitted that within four weeks from today Respondent Nos. 4 and 5 will prepare the bills and send the same to Respondent Nos.2 and 3. Mr. Rao, learned Counsel appearing for the Respondent Nos.2 and 3 submitted that once bills are received, within four weeks Respondent Nos.2 and 3 will take appropriate action and will do the needful. Statements are accepted. In view of the these statements, the grievance of the Petitioner no more survives.

5. In the light of above, nothing survives for consideration in this petition and the same is therefore disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]