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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 690 OF 2014

Shri Nimbalkar Jaywant Gulabrao

... Petitioner

Versus

Shri Chhatrapati Shikshan Sanstha through
its Secretary & Ors.

... Respondents

Mr. S.V. Pitre for the petitioner.

Mr. V.S.Salunke for R.1 and 2.

Mr. Vikas Mali, AGP for Respondent State.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 06, 2016.

P.C.

Heard learned Counsel for both the sides. Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

2. Within a period of two weeks from today, the petitioner shall make application/representation to the Education Officer, Zilla Parishad, Pune making a grievance about non-payment of salary to the petitioner. The petitioner shall disclose all

particulars about his date of appointment, salary to which he is entitled to in accordance with law and payment that he has received so far in lieu of salary from the Management. The petitioner shall also place all the documents on which he proposes to rely in support of his case before the Education Officer. The petitioner before filing such application/representation before the Education Officer shall serve copy thereof on the Management. The Management within a period of two weeks from the date of receiving copy of such application/representation from the petitioner, shall submit its point of view before the Deputy Director.

3. All objections the Management may wish to raise can be raised by it, which shall be considered by the Education Officer and the Education Officer shall thereafter decide the claim of the petitioner for payment of salary by a reasoned order. It is made clear that if the Education Officer finds that the Management despite appointing the petitioner solemnly has not been paying full salary consistently, then the Education Officer may consider whether any action for derecognizing the school of the Management can be taken.

The order shall be made by the Education Officer within a period of 12 weeks from the date on which reply of the Management is received or the time fixed for filing the reply by the Management is over. All contentions available to both sides are kept open. Similarly the remedies that may be available to both the sides against the order that may be passed by the Education Officer are also kept open.

4. With the above observations, Writ Petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)