

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 4310/2016

(Shri Dinesh Bhagwan Sakharkar vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. A.P. Thakare, Advocate for the petitioner
Mr. Amit Balpande, Asst. Government Pleader for Res. Nos.1 and 3
Mr. M.M. Sudame, Advocate for Respondent Nos. 4 and 5

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 1st December, 2016.**

Heard.

By this Writ Petition, the petitioner seeks a direction against the respondent nos.2,4 and 5 to pay the salary to the petitioner from December, 2013 to June, 2016 and further pay the regular salary to the petitioner from July 2016.

The learned counsel for the respondent nos.4 and 5, the Management and the College where the petitioner claims to have been working, states on the basis of the affidavit-in-reply filed on behalf of the respondent nos.4 and 5, that the petitioner had stopped attending the College since November, 2013 and due to lack of students, the College was closed down after 2013. It is stated that in the aforesaid set of facts, this Court may not issue a direction in exercise of the writ jurisdiction against the concerned respondents, to pay salary to

the petitioner, as claimed.

Shri Thakre, the learned counsel for the petitioner disputes the facts stated in the affidavit-in-reply filed on behalf of the respondent nos.4 and 5 and states that it is clear from some of the documents issued by the Education authorities that the petitioner was working even after 2013.

On a perusal of the documents annexed to the Writ Petition and the affidavit-in-reply filed on behalf of the respondents, it appears that several disputed questions of facts arise for determination in this Writ Petition. It is the case of the petitioner that the petitioner is continuously working in the respondent no.5-College and the salary of the petitioner is not paid from the year 2013, whereas it is the case of the respondent-Management that the petitioner did not attend the College after November,2013 and the college was closed down after 2013 due to lack of students. It would not be proper to decide the said issues in exercise of the writ jurisdiction. It would be necessary for the petitioner to take up appropriate proceedings for seeking the relief claimed. Hence, the Writ Petition is disposed of, with no order as to costs.

The points raised in the Petition are, however, kept open.

JUDGE

JUDGE

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