

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.471/2016

Shaikh Khalil Ahmed Baddul Khan

...Versus...

Head Mistress, Sewayog Matimand Mulanchi Shala, Nagpur and others

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

Court's or Judge's orders

Mrs. K.R. Deshpande, AGP for respondent nos.3 to 5

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 23.03.2016

By this writ petition, the petitioner seeks a direction to the respondent nos.1 and 2 to pay the salary to the petitioner from the year 2000 with interest. The petitioner seeks a direction to the respondents to issue permanent appointment letter to the petitioner. An amount of Rs.50,000/- is sought by the petitioner towards harassment and physical pain.

On a reading of the writ petition, it appears that the prayers made by the petitioners cannot be granted. It is stated by the petitioner in the writ petition that the petitioner was appointed in the year 2000 and he worked with the respondents for a period of almost 12 years. If that be so, the petitioner is not working with the respondents since the year 2012. The petition is filed on 21.10.2015. The unpaid salary for the period before 21.10.2012 cannot be paid to the petitioner in exercise of the writ

jurisdiction. Even if the petitioner would have filed a suit for recovery of the amount payable to the petitioner towards salary, the same would have been barred by limitation. Also, after the termination of services of the petitioner, the petitioner cannot seek permanent appointment letter. The prayer made in that regard cannot be granted. The prayer for a direction to pay a sum of Rs.50,000/- towards physical pain and harassment also cannot be granted in exercise of the writ jurisdiction. For seeking the said amount towards damages, the petitioner will have to approach the Civil Court, if permissible in law. In the circumstances of the case, the writ petition is liable to be dismissed. The petitioner is, however, free to take appropriate steps for challenging the order of termination, if permissible.

For the reasons aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar