

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

WRIT PETITION NO. 895 OF 2012

SHIVAJI UTTAM WAGH
VERSUS
THE MAHARASHTRA STATE BOARD OF SECONDARY AND HIGHER
SECONDARY EDUCATION AND ORS

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Advocate for the Petitioner : Shri Ajinkya Kale h/f Shri Talekar S.B..
Advocate for Respondents 1 and 2 : Shri A.V.Soman h/f Shri D.V.Soman.
Advocate for Respondents 3 and 4 : Shri A.V.Hon.

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**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 31st October, 2017

Per Court :

1 We have heard the learned Advocate for the Petitioner for
sometime.

2 The grievance is that the Petitioner, who was working as a
Clerk, has paid late fees of Rs.1,71,390/- while submitting the forms of
private students, hailing from Ahmednagar and Solapur, to the
Maharashtra State Board of Secondary & Higher Secondary Education
with regard to their Secondary School Certificate (SSC) examination. The
Petitioner, therefore, seeks to recover the amount which he has paid from
his pocket, from the Educational Institution in which he was working as a
Clerk.

3 We find that the issue involved is with regard to recovery of
money from the Employer which is not the "State" within the meaning of
Article 12 of the Constitution of India.

4 We are, therefore, disposing of this Writ Petition by granting
liberty to the Petitioner to avail of a remedy as may be permissible in law
for seeking recovery of the amount from the Employer Educational
Institution.

5 The time spent by the Petitioner in this Court from
10.01.2002 till the passing of this order, would be a good ground for
seeking condonation of delay.

kps

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)