

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

Civil Application No. 02277 of 2017
(In Writ Petition No. 040 of 2014)

District : Latur

Dhanu s/o. Trimbakrao Swami,
Age : 42 years,
Occupation : Nil,
R/o. Village Kopara,
Taluka Kinwat,
District Nanded.

.. Applicant.

versus

1. The Secretary,
Adhiwashi Mahila Mandal,
Barbada, Tal. Naigaon (Kd.),
District Nanded.

2. Headmaster,
Shivaji Maharaj High School,
Kopara, Taluka Kinwat,
District Nanded.

3. The Education Officer
(Secondary),
Zilla Parishad,
Nanded.

.. Non-applicants.

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Mr. P.R. Katneshwarkar, Advocate, for the applicant.

*Mr. R.L. Kute, Advocate, holding for
Mr. V.R. Dhorde, Advocate, for non-applicant
nos.01 and 02.*

*Mr. N.T. Bhagat, Asst. Government Pleader, for
non-applicant no.03.*

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 24TH FEBRUARY 2017

ORAL ORDER :

01. The applicant (Respondent no.01 in WP) prays for leave to withdraw 50 % of the amount deposited in this Court, pursuant to the directions of this Court dated 17.07.2014. 50 % of the back wages have been deposited.

02. Learned Advocate for non-applicant nos.01 and 02 (Petitioners in WP) - Management strenuously opposes this application and submits that the petitioner - Management has every hope of success in the matter. It would be established that the applicant - employee is not entitled for any back wages.

03. The non-applicant - petitioner has deposited an amount of Rs. 5,75,736/- in this Court.

04. Considering the above and for the reasons set out in the Application, the same is allowed. The applicant would be at liberty to withdraw half of the amount deposited in this Court subject to filing an affidavit undertaking stating that in the event, an adverse order is passed against him in the petition, he would re-deposit the entire amount without interest within 08 (eight) weeks from the date of such order. A copy of the Voter Card issued by the

Election Commission and address proof be placed on record while withdrawing the amount.

05. Learned Advocates for the respective sides jointly submit that Writ Petition No. 040 of 2014 be listed for final hearing.

06. Considering the said request, list Writ Petition No. 040 of 2014 for final hearing on 15th June, 2017.

(Ravindra V. Ghuge)
JUDGE

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