

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5736 OF 2015

Qazi Bebi Farhin Tabasum

Petitioner

Versus

Bukhari Urdu Education Society,
Majalgaon & others

Respondents

Mr. R.J. Godbole, advocate for petitioner.

Mr. P.S. Patil, AGP for respondent no.4.

Mr. S.S. Kazi, advocate for respondents 1 and 3.

**CORAM : DR. MANJULA CHELLUR, CJ. AND
R.M.BORDE, J.**

DATE : 29th June, 2017.

P.C. :

1. Apparently, petitioner is seeking direction against respondents 1 to 4 to pay her arrears of salary right from the date of joining the service in the year 2009 till she was terminated, on the ground that her termination was illegal and arbitrary.

2. Apparently, so far as the controversy of termination, the matter from the school tribunal has reached the Supreme Court and the Special Leave Petition is pending. We will not ponder over much on the said issue. Coming to the arrears of salary right from the date of joining service, on going through the writ petition, there is no statement mentioning how much was the salary and how much exactly was paid to the petitioner. Except mentioning

arrears of salary, no other details are given. Apparently, respondents admit that at the time of removal of petitioner from service, she was drawing Rs. 9,000/- per month as salary and, the said amount was paid to her.

3. Even if the petitioner has not mentioned the exact amount of salary received, the entire pleadings of both petitioner and respondents if taken into consideration, would point out that the issue with regard to quantum of salary actually paid to the petitioner is to be decided after full fledged trial and, the petitioner has to establish that as against the fixed salary, she received less amount. Since evidence is required for the said purpose, without referring to anything on merits of the petition, we decline interference since said controversy cannot be entertained under Article 226 of the Constitution of India. Petition is dismissed.

R.M.BORDE, J.
JUDGE

CHIEF JUSTICE

dyb