

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

WRIT PETITION NO. 3644 OF 2011

NETNE SHRIRAM PARBHATRAO
VERSUS
THE STATE OF MAH AND ORS

...
Advocate for Petitioner : Mr. U.R.Awate, advocate
h/f Talekar And Associates
AGP for Respondents : Mr. R.B.Bagul
Advocate for Respondent no.5 : Mr. S.S.Deshmukh
None for respondent no.6

.....

CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 22nd FEBRUARY, 2017

O R D E R :

Mr. Awate, learned counsel submits that the petitioner is not paid salary since 2006. Present Writ Petition is restricted to the extent of arrears of salary. Learned counsel submits that the documents produced by the respondent along with the affidavit are false, forged and fabricated. Signatures taken on blank papers are misused subsequently by the respondents. Initial

appointment of the petitioner was on probation. The appointment orders of 2008 were never issued to the petitioner.

2. Mr. Deshmukh, learned counsel submits that the petitioner has been paid the consolidated salary as his appointment was on contract basis as per the appointment orders filed along with the affidavit. The petitioner has also signed the same showing that he has received the same each month.

3. Under order dated 11.1.2017 we had granted leave to the petitioner to avail the alternate remedy. The petitioner is at liberty to approach the University/College Tribunal to redress his grievance with regard to order of termination.

4. It appears to be a case of disputed questions of fact, the respondent claims that the petitioner has been paid salary as agreed and the

case of the petitioner is of complete denial to the same. The documents will have to be verified. It would not be possible for this court to investigate into such facts in writ jurisdiction.

5. Considering the above, we pass following order.

The petitioner may approach the Deputy Director of Education with regard to his grievance of non-payment of salary.

If such an application is made by the petitioner the Deputy Director of Education on hearing the petitioner and the institution and considering the record placed before it by either of the parties, shall decide about the aspect of payment of salary to the petitioner expeditiously, preferably within six months from the date of application.

All the contentions of respective parties are kept open.

6. Writ Petition disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

dbm/wp3644.11