

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

WRIT PETITION NO. 4938 OF 2015

Shivaji Tulshiram Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. M.M. Ambhore, Advocate for Petitioner.

Shri. M.A. Deshmukh, Advocate h/f Shri. S.G. Chapalgaonkar, Advocate
for Respondent .

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATED : 02nd May, 2017**

PER COURT:

. Mr. Ambhore, the learned counsel submits that the petitioner is working as a lecturer in Physical Education. The learned counsel submits that the salary of the petitioner for the period from May 2011 to December 2012 is not paid to the petitioner by the respondent. The petitioner was also not allowed to sign muster roll from November, 2011 till December, 2012. The petitioner is entitled for the salary for the said period.

2. Mr. Pagare, the learned counsel for the respondent submits that the petitioner remained absent during the said period. Even F.I.R. is filed against the petitioner. As the petitioner remained absent, the petitioner is not entitled for the salary.

3. The learned counsel for Respondent No. 7 also adopts the arguments advanced by Mr. Pagare, the learned counsel.

4. Whether the petitioner has worked from May 2011 to June, 2012 is a disputed question of fact. There is word against word.

5. The joint Director of Higher Education i. e. the Respondent No. 3 shall go through the record of the respondent institution and the contentions of the petitioner and the respondents and shall take decision about the petitioner having worked/ not worked for the period from May 2011 to December 2012, so also shall take decision about the entitlement of the petitioner for the salary of the said period. The parties are entitled to represent themselves before the Joint Director of Higher Education. The petitioner may appear before the Joint Director of Higher Education on 22/05/2017. The Joint Director of Higher Education may go through the record of the institution and whatever document filed by the parties

and take decision expeditiously.

6. Writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 4938.15