

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

WRIT PETITION NO.4544 OF 2016

Pravin s/o. Ramesh Keskar,
Age : 26 years, Occ. Service as
Laboratory Assistant at Madhyamik
Ashram School, Bavi,
Tq. and Dist. Osmanabad
r/o. Tambari Vihag, Near Ganpati
Mandir, Osmanabad ..Petitioner

Vs.

The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra,
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai – 32
and ors. ..Respondents

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Mr.N.P.Patil-Jamalpurkar, Advocate for petitioner

Mr.S.B.Joshi, AGP for respondent nos.1 to 3

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 22, 2017**

ORAL JUDGMENT (Per T.V. Nalawade, J.) :

Rule, made returnable forthwith. With
the consent of the learned Counsels for the
parties, heard finally.

2. It is the case of the petitioner that he was made permanent in the service of respondent no.4 with effect from 21.03.2015, but from September, 2015, suddenly the payment of salary came to be stopped without giving any reason.

3. The learned Counsel for the petitioner submits that there were many such cases like the petitioner and two such persons had approached this Court by filing **Writ Petition No.2232 of 2016 (Ganesh s/o. Ankush Pawar and anr. Vs. The State of Maharashtra and ors.)**, wherein, this Court by the **judgment dated 24.10.2016**, directed the respondents therein to release salary and arrears to the petitioners therein.

4. It must be noted that as on today, the petitioner is rendering his services with respondent – School and that his appointment has been approved by the competent authority. It is also worth to be taken note of that till this

date, approval to the appointment of the petitioner has not been withdrawn. In this view of the matter, since petitioner is in employment and his services have been approved by the competent authority, until any adverse decision is taken in observance of the procedure prescribed, the respondents are not justified in stopping salary payable to the petitioner. It would be open for the respondents to adopt appropriate procedure and take suitable decision taking note of alleged irregularity caused in according approval to the appointment of the petitioner. It is also expected of the respondents to extend opportunity of hearing to the petitioner since the adverse decision is likely to affect his right in respect of continuance in service. The respondents are under an obligation to pay salary to the petitioner as long as he was in service with respondent – school, which is receiving grant-in-aid from the State Government.

5. The Writ Petition is, thus, allowed. The respondents are directed to release the salary payable to the petitioner from the month of September, 2015 and continue to pay monthly salary to him subject to the decision, which the respondents may take in furtherance of the report of the proposed inquiry. The arrears of salary shall be paid to the petitioner within a period of one month from today.

6. Rule is accordingly made absolute. There shall be no order as to costs.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp