

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9123 OF 2015.

**Govind S/o Babruwan Gond and others Vs. The State of
Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.G.A.Gadhe, advocate for the petitioners.
Mrs.M.A.Deshpande, Additional Government Pleader for the State.
Mr.G.L.Awale, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 31.01.2017.

PER COURT :

1. Heard.
2. Mr.Gadhe, learned counsel for the petitioners submits that the petitioners are appointed as Assistant Teachers. The petitioner No.1 is appointed on 21.6.2004 and the petitioner No.2 is appointed on 1.7.2006. The learned counsel submits that since October 2012, the petitioners are not paid the salaries, though the petitioners are officiating their duties. The learned counsel submits that it is the duty of the Management to pay the salary irrespective of fact whether it is aided or unaided.

3. Mr.Awale, learned counsel for the Respondent institution submits that since 2009, the institution is brought on grant-in-aid basis. It is the responsibility of the State to pay the salary. Though petitioners are not working, the proposal is submitted by the Management. According to the learned counsel, even proposal is submitted for receiving grant-in-aid to the Education Officer, no decision is taken upon the same.

4. We have considered the submissions canvassed by the learned counsel for the petitioners. The appointment of petitioners is approved by the Education Officer(Secondary) under order dated 19.9.2006. The appointment of petitioner No.1 is approved in pay-scale of Rs.5,500-9,000 and that of petitioner No.2 in the pay-scale of Rs.4,500-7,000. It is the primary responsibility of the institution to pay the salary. The order of approval shows that the appointment of petitioners is approved on permanent non-grant basis. It is stated that in the year 2009, the word permanent is deleted and the same is on no grant basis, meaning thereby that in phased manner and if the institution complies with all other requirement, it can be brought on grant-in-aid basis. It is for the authorities to take decision upon the same. The Deputy Education Officer has also filed affidavit stating that Respondent No.4 institution is on non-grant basis. According to the learned counsel for petitioners, the proposal is already submitted for receiving

grant-in-aid.

5. Considering above conspectus, we pass the following order :

a) The Respondent No.4 through its Secretary and also the School through its Head Master shall pay salary to the petitioners since October 2012 till the date of filing of the petition and regularly thereafter in the pay-scale of Rs.5,500-9,000 and Rs.4,500-7,000 to petitioners Nos.1 and 2 respectively. The Education Department shall take decision upon the proposal submitted by the Respondent No.4 institution for grant-in-aid expeditiously, preferably within six (6) months. In case the proposal of the Respondent No.4 institution for grant-in-aid is sanctioned and some salary grant is held to be admissible with regard to the salary of the petitioners then the institution can adjust the said amount. The arrears be paid by Respondent No.4 institution to the petitioners expeditiously, preferably within six (6) months.

b) The Writ Petition is accordingly allowed in above terms.
No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.31.01.2017.

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