

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10509 OF 2016
(Vikas s/o Parshuram Anbhule Vs. The State of
Maharashtra and others)

Mr. Ashwin V. Hon, Advocate for the Petitioner
Mr. V.S.Badakh, A.G.P. for the Respondents/State
Mr. D.R. Korade-Patil, Advocate for respondent No.4
Mr. Abhijeet More, Advocate for Intervenor

CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 30th MARCH, 2017

ORAL ORDER :

Heard.

2. Mr.A.V. Hon, learned counsel for the petitioner submits that the petitioner is not paid salary for the period from 1st November, 2014 to 11th July, 2016. He submits that even the Deputy Director of Education, on 2nd April, 2016, had directed the Education Officer (Secondary), Zilla Parishad, Ahmednagar to release the salary of the petitioner. The Education Officer (Secondary), Zilla Parishad has filed additional affidavit-in-reply stating that it is for the Headmaster/Management to submit the salary bills.

3. The learned counsel for respondent No.4 submits that the petitioner was not present from 1st November, 2014 and as such, the salary bills are not submitted.

4. Mr. Abhijeet More, the learned counsel submits that he has instructions to intervene in the matter on behalf of the Management.

5. It appears that the Institution had assailed the order dated 2nd April, 2016 passed by the Deputy Director of Education in Writ Petition No. 4558 of 2016. This Court vide order dated 5th July, 2016 disposed of the said writ petition, asking the Deputy Director of Education to look into the matter and take appropriate steps in accordance with the law. This Court had directed the Deputy Director of Education to take further steps. It is submitted that regular salary is being paid to the petitioner. However, the salary for the period from 1st November, 2014 to 11th July, 2016 is not paid to the petitioner. Considering the order passed by the Deputy Director of Education, thereby directing the Education Officer (Secondary), Zilla Parishad, Ahmednagar to see that the present petitioner is being allowed to appear in the school and the salary is to be

paid, the Education Officer is expected to take further steps. It appears that the Education Officer has already conducted hearing of the petitioner and the Headmaster of the School and has stayed further proceedings of the hearing on the ground that the writ petition is pending.

6. Considering above, the Education Officer (Secondary), Zilla Parishad, Ahmednagar shall proceed ahead with the proceedings which were kept pending on 8th November, 2016 and pass orders on it within a period of six weeks with regard to payment of salary to the petitioner for the period from 1st November, 2014 to 11th July, 2016 and further steps shall be taken immediately in tune with the order passed by the Deputy Director of Education. All parties are entitled to remain present before the Education Officer on 11th April, 2017.

7. With the above directions, the writ petition is disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE