

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12740 OF 2016

Shafiq Ahmed Ismail

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri V. D. Sapkal, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent Nos. 1 to 3.

Shri V. C. Patil h/f Shri U. B. Bondar, Advocate for the Respondent No. 4.

Shri V. D. Gunale, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATE : 5th October, 2017

PER COURT :

1. We have heard Mr. Sapkal, learned counsel for the petitioner and Mr. Gunale, learned counsel for the respondents. As far as prayer clause "B" is concerned, the same would not survive in view of the order dated 24.1.2015 (*Page-98*) produced by the respondents. According to the petitioner the same is illegal. Be that as it may, the said order will be required to be assailed by the petitioner.

2. As far as prayer clause "C" is concerned, the salary for the

period as claimed, there are rival contentions i.e. the petitioner not been allowed to join as per the petitioner and as per the respondent Nos. 5 and 6 the petitioner remained absent unauthorisedly.

3. The petitioner shall make a representation with the Deputy Director of Education. On receipt of such a representation the Deputy Director of Education shall, after hearing the petitioner and the respondent Nos. 5 and 6 take decision upon the eligibility of the petitioner to the salary for the said period.

4. The writ petition accordingly disposed of. No costs.

[S. M. GAVHANE, J.] [S. V. GANGAPURWALA, J.]

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