

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No. 2605 of 2000

(Kacharu S/o Shriram Kumbhalkar Vs. The Education Officer(Primary), Z.P., Nagpur
and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 23/03/2017.

Nobody for the petitioner.

2. Ms. T. Khan, learned Assistant Government Pleader for the respondent no. 1 relies upon the reply-affidavit. She states that the petitioner was appointed on a class which did not have necessary approval and hence, his appointment itself was contrary to law. As such, dispute is between the petitioner and his employer. The liability to pay salary cannot be fastened upon the respondent no. 1.

3. Our attention is invited to order dated 4-4-2001. This order shows that insofar as apprehension of termination from service is concerned, this Court then left the petitioner to approach alternate forum that is the School Tribunal for redressal of his grievance. Rule has been issued

only to find out entitlement to salary. Then Court pointed out that if the respondent no. 1 is not found liable, it will be responsibility of the employer to clear the salary. In view of specific stand of the respondent no. 1 on affidavit it is clear that relief of payment of arrears of salary cannot be given against respondent no. 1.

4. Nobody appears for the petitioner and therefore, it has not known whether he has approached the School Tribunal or not. The petition has not been amended thereafter. In this situation, we dispose of the writ petition as infructuous.

Rule discharged. No costs.

JUDGE

JUDGE

wasnik