

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

WRIT PETITION NO. 2880 OF 2006

1. Sanjay Shenphadu Desale .. Petitioners
Age.33 years, Occ. Service,
R/o.43, Wankhedkar Nagar,
Sane Guruji Colony, Devpur,
Dhule.
2. Ishwar Nimbaji Nikam
Age.35 years, Occ. Service,
at post Mahadpur, Tal.Shindkheda,
Dist. Dhule.
3. Sow.Sunanda Pundalik Patil
Age.25 years, Occ. Service,
R/o.43, Wankhedkar Nagar,
Sane Guruji Colony, Devpur,
Dhule.
4. Sow.Bebi Bhila Chavan,
Age.30 years, Occ. Service,
R/o.Methe, Tal. Shindkheda,
Dist. Dhule.
5. Nutan Arun Jagtap,
Age.32 years, Occ. Service,
R/o. At post Dhule,
Dist. Dhule.
6. Sandeep Sahebrao Patil,
Age.24 years, Occ. Service,
R/o.Dhule, Dist. Dhule.

Versus

1. State of Maharashtra
through Secretary of Education
Department, Mantralaya,
Bombay.
2. Director of Education (Primary)
Maharashtra State, Pune.
3. Deputy Director of Education,
Nashik Division, Nashik.
4. Education Officer (Primary)
Zilla Parishad, Dhule.
5. Administrative Officer,
Municipal Council, Education
Mandal, Dhule.
6. Administrator and Deputy
Education Officer (Primary)
Kailaswashi Lalit Makhan
Prathamik Vidya Mandir,
Dhule, Chalisgaon Road,
East Hudco, Dhule – 424 001.
7. Head Master,
Kailaswashi Lalit Makhan Prathamik
Vidya Mandir, Dhule,
Chalisgaon Road, East Hudco,
Dhule – 424 001.
8. Pashim Khandesh Zilla Peoples
Education Society, Chalisgaon Road,
Dhule, Dist. Dhule,
Through its President/Secretary.
[added party respondent as per
leave granted on 10.10.2006].

WITH
CA/8318/2006, CA/12570/2008, CA/3840/2009

Mr.V.D. Hon, Sr. Counsel i/b. Mr.A.V. Hon, Advocate for the petitioners.

Mrs.M.A.Deshpande, AGP for respondent/State.

Mr.S.P.Brahme, Advocate for R-7.

Ms.Kalyani Deshmukh h/f. Mr.P.R. Patil, Advocate for R-8.

Mr.D.A.Karnik h/f. Mr.Vivek Dhage, Advocate for applicant in CA/8318 of 2006.

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

DATED : 04.10.2018

ORAL JUDGMENT [PER :S.V. GANGAPURWALA,J.] :-

1. The dispute is about payment of salary to the petitioners. Under orders of this Court, respondent No.7 deposited an amount of Rs.12,08,218/-. From the said amount, some amounts are withdrawn by the petitioners. The respondent-institution has been de-recognized in 2007 and it is submitted that the petitioners are absorbed in other institution.

2. There are disputed questions of facts. Considering the dispute, it would be appropriate to refer the parties to the Education Officer to consider the exact entitlement of the petitioners with regard to the quantum of amount.

3. The parties are relegated to the Education Officer (Primary), Zilla Parishad, Dhule. The petitioners/interested persons shall stake their claim with regard to the quantum of amount entitled to by them till the date of filing of the petition. The Education Officer shall decide the same within three months from the date the petitioners and interested persons make application. The amount deposited in this Court shall be transmitted to the Education Officer (Primary), Zilla Parishad, Dhule along with accrued interest, if any. The Education Officer shall, upon decision being taken, distribute the amount in accordance with the decision.

5. Rule made absolute accordingly. No costs.

6. In view of disposal of the writ petition, the connected Civil Applications stand disposed of.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]