

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

WRIT PETITION NO. 5239 OF 2018

Geeta Kerba Wadje

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. V.D. Patnurkar, Advocate for petitioner.

Mr. K.S. Patil, A.G.P. for respondent – State.

Mr. S.B. Pulkundwar, Advocate for respondent no.3.

Mr. U.B. Bilolikar, Advocate for respondent nos.4 and 5.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 12th DECEMBER, 2018

ORDER :

Mr. Patnurkar, the learned Counsel for the petitioner submits that the petitioner was appointed by Respondent Nos. 4 and 5 to teach in their school as Assistant Teacher. However, no appointment order was issued. The petitioner discharged her services from 15th July, 2013 to 07th April, 2017. The Education Officer had also inspected the school and has observed that the petitioner was working at the relevant time. The learned Counsel submits that no salary is paid to the petitioner for said period.

2. Mr. Bilolikar, the learned Counsel for Respondent Nos. 4 and 5 submits that the petitioner was never appointed in the school. No advertisement was issued. The petitioner had made a request application that, as the petitioner was unemployed, she may be allowed to take some lectures for experience purpose.

3. Mr. Pulkundwar, the learned Counsel for Respondent No.3 - Education Officer submits that the Education Department does not have any document showing that the petitioner was working with Respondent Nos. 4 and 5.

4. We cannot consider the relief as sought in the writ petition with regard to the issuance of appointment order or directions of continuation of the petitioner in service because the petitioner has come with a case that she was allowed to work till 07th April, 2017. If the petitioner is not allowed to work thereafter, the same would amount to otherwise termination. In that case, the remedy would be before the School Tribunal. If an appeal is filed, the School Tribunal shall consider the aspect of approval also.

5. As far as the salary for the period 15th July, 2013 to 07th April, 2017 as claimed by the petitioner is concerned, the same is disputed. The

respondents have come with a case that the petitioner has not worked and was never appointed. The case of the petitioner is of oral appointment order.

6. The petitioner may approach the Deputy Director of Education and put forth her claim with regard to the salary as claimed by her. The Deputy Director, after hearing the petitioner and Respondent nos. 4 and 5, so also the Education Officer and considering the record, shall take decision upon the entitlement of the petitioner, preferably within six months from the date of application of the petitioner. Writ Petition is disposed of. No costs.

(R.G. AVACHAT, J.)

SSD

(S.V. GANGAPURWALA, J.)