

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

WRIT PETITION NO. 4614 OF 2016

**RAMESH BAJIRAO BHAMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.P.R.Patil, Advocate h/f Mr.M.S.Kulkarni, Advocate for the petitioner
Mr.A.V.Deshmukh, AGP for the respondent/State.
Mr.A.S.Shelke, Advocate for respondent No.2.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 09.10.2018**

P.C. :-

The learned counsel for the petitioner submits that the petitioner had worked with the respondent-Institution from 01.06.2004 to 30.04.2007 on the post of Drawing Teacher/ Art Teacher. No salary is paid to the petitioner. The respondent is duty bound to pay salary to the petitioner as per Schedule "C" of Maharashtra Employees of Private School (Condition of Service) Regulation Act. According to the learned counsel representations have been given by the petitioner, respondent No.4 has turned blind eye to the same.

2. Mr.Deshmukh, learned counsel for the respondent Nos.5 and 6 submits that the petitioner hardly worked for three months and was not an employee. The petitioner is not entitled for any salary as on date. The petitioner cannot seek time barred claim in the present petition.

3. It is not disputed that the present petitioner is now not working with the respondent-Institution. This Court cannot direct continuation of service of the petitioner and if the selection has to be made, proper procedure has to be followed by the Institution. If the advertisement is issued, the petitioner can apply for the same as is permissible in law.

4. As far as payment of salary is concerned the petitioner made a representation. Respondent No.2 may consider the representation after hearing the petitioner and the institution. In that event all contentions of respective parties are kept open. The representation should be decided expeditiously, preferably within six months.

5. The Writ Petition is disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]