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

**CIVIL APPLICATION NO.7179 OF 2018
IN
CONTEMPT PETITION NO.287 OF 2011
IN
L.P.A. NO.195 OF 2010**

Gangadhar S/o Kashinath Suryakar ..APPLICANT

VERSUS

Shri Nagnath S/o Venkatrao Mali & ors. ..RESPONDENTS

Mr P.G. Rodge, Advocate for applicant;
Mr A.N. Sabnis, Advocate holding for Mr V.D. Gunale, Advocate for
respondents no.1 & 2;
Mr V.D. Hon, Senior Advocate for respondent no.3

**CORAM : PRASANNA B. VARALE
AND
RAVINDRA V. GHUGE, JJ.**

DATE : 14th September, 2018

ORAL ORDER:

By way of the present application, the applicant-petitioner prays for withdrawal of an amount of Rs.50,577/- deposited by respondent – management in this Court.

2. Our attention was invited to the order of this Court dated 12th April, 2018. On the backdrop of rival submissions of the parties, namely, whether the applicant is trained teacher or untrained teacher, the Division Bench of this Court was pleased to direct the Education Officer to quantify the amount due and payable to the applicant and to submit it before this Court.

(2)

3. Education Officer, by way of affidavit dated 4th September, 2018 submitted that if the applicant is treated as untrained teacher, his pay scale would be Rs.5200-20200 with Grade Pay of Rs.2,000/- and his total payment for the period from February, 2011 to August, 2018 would be Rs.18,74,817/- and if he is treated as trained teacher, his pay scale would be Rs.5200-2-200 with Grade Pay of Rs.2,800/- and his total payment for the period from February, 2011 to August, 2018 would be Rs.24,42,167/-.

3. Learned Counsel appearing on behalf of the management institute vehemently submits that the Education Officer has turned down the proposal for approval on the ground that the applicant is not possessing the requisite qualification.

4. Mr Rodge, learned Counsel appearing on behalf of the applicant submitted that the issue whether A.T.D. qualification is a requisite qualification or not is pending before this Court.

5. Considering aforesaid facts and keeping the contentions open, in our opinion, the application can be allowed in terms of prayer clause (B). Accordingly, Civil Application is allowed in terms of prayer clause (B) and disposed of.

(RAVINDRA V. GHUGE, J.)

(PRASANNA B. VARALE, J.)

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