

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

WRIT PETITION NO. 9228 OF 2017

Shaikh Sultan Ahmed Kamruddin Inamdar ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

**WITH
WRIT PETITION NO. 9243 OF 2017**

Sainath Karbhari Dane ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr.C.K.Shinde, Advocate for Petitioners

Mrs.V.N.Patil-Jadhav, A.G.P. for Respondent Nos. 1 and 2

Mr.R.R. Karpe, Advocate for Respondent No.3

**CORAM : S.V.GANGAPURWALA AND
A.M.DHAVAL, JJ.**

DATE: APRIL 23, 2018

PER COURT :

1. Mr.Shinde, learned counsel submits that the petitioner in writ petition No.9228 of 2017, is working as Head Master and the petitioner in writ petition No.9243 of 2017 is working as Assistant Teacher. The appointment of the petitioner as Head Master is approved. The learned counsel submits that the petitioners are discharging their duties and are in service. However, the salary is not being paid to the

petitioners.

2. Mr. Karpe, learned counsel for the respondent No.3 submits that some amount is paid to the petitioners. There are disputed questions of facts. In fact, the petitioners agreed to work. Now they are taking somersault. The learned counsel further submits that institution does not receive grant-in-aid.

3. Irrespective of the fact that the petitioners working in non-aided institution are entitled to receive the salary as per Schedule-'C' of the Maharashtra Employees of Private Schools (Condition of Service) Rules commensurate to their qualification.

4. The respondents shall pay the petitioners salary as per Schedule-'C' of the M.E.P.S. Rules.

5. There is dispute with regard to the exact amount receivable by the petitioners. For resolving the same, we direct the parties to approach the Education Officer (Secondary), Zilla Parishad, Ahmednagar. The petitioners shall file detailed application with regard to the amount due and payable to them by the respondent-Institution. The respondent-Institution may also place before the Education

(3)

Officer the amount paid to the petitioners and their stand.

6. The Education Officer shall after considering the record, determine the amount payable to the petitioners after adjusting the amount if any, paid by the respondent-institution. The parties shall appear before the Education Officer on 4th May, 2018.

7. The Education Officer shall decide the same within three months thereafter.

8. Naturally, the Management will be liable to pay the amount as determined by Education Officer in light of the observations made above.

9. The writ petitions are accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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