

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8482 OF 2017

Lalchand Avachit Patil

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri H. B. Suryawanshi h/f Shri Vinod Prakash Patil, Advocate
for Petitioner.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent Nos. 1 to 3.

Shri Gajendra L. Gujar, Advocate for Respondent Nos. 4 and 5.

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

DATE : 5th April, 2018

PER COURT :

1. The only dispute is about non payment of salary as a
Principal to the petitioner for the period 23.11.2015 to
10.02.2016.

2. Mr. Suryawanshi, learned counsel for the petitioner
submits that during 23.11.2015 to 10.02.2016, petitioner was
granted commuted leave.

3. The respondent has come with the case that one Mr. M. B. Chavan, was granted approval as a Acting Principal and the salary of Principal was paid to him.

4. The petitioner has filed a rejoinder to the affidavit that during the said period Mr. M. B. Chavan, was not paid the salary of a Principal.

5. In the present case, no work no pay principle would not strictly apply, as the case of the petitioner is that he was erroneously prevented from discharging his duties.

6. Respondents shall verify and if salary as a Principal is not paid to Mr. M. B. Chavan, for the period 23.11.2015 to 10.02.2016, then it shall be paid to the petitioner after verifying the record, as Mr. M. B. Chavan, at no time was appointed as a full fledged Principal but was only Acting Principal.

7. With these observations, writ petition stands disposed of.
No costs.

[A. M. DHAVAL, J.]
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[S. V. GANGAPURWALA, J.]