

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8094 OF 2017

Vikas Parshuram Anbhule

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri V. D. Hon, Senior Advocate h/f Shri A. V. Hon, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

Shri Ashok S. Pavse, Advocate for Respondent No. 4.

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

DATE : 18th April, 2018

PER COURT :

1. Mr. Hon, learned Senior Advocate for the petitioner submits that the impugned communication is erroneous and against the record. The petitioner was all along working at the original place of the school where permission was granted. The school was illegally shifted. The petitioner could not have worked at the place where the school was illegally shifted. The petitioner had signed the muster at the place where the school

was originally granted permission. When the petitioner was worked at the school, the respondents could not have passed orders denying the benefit to the petitioner and could not have directed that in future the said period can be considered as a leave period.

2. The learned Senior Advocate further submits that, other members of the teaching and non teaching staff are getting the salary. The petitioner is deprived of the salary / benefits for the period 1.11.2014 to 11.7.2016. The same deserves to be set aside.

3. We have heard learned Assistant Government Pleader.

4. The Deputy Director of Education has conducted enquiry. It was noticed that the school had migrated three times in the same village. The salary of the other teaching and non teaching staff of the school was paid. The school was illegally shifted from Grampanchayat building to new building located near the Dutt Mandir at the third time. All others were working at the place where the school was run, though, was shifted without permission. The petitioner did not at all discharge his duties at

the place where the school was being run and the students were imparted education.

5. The enquiry is conducted, the record is perused and the order is passed that the period would be considered as leave, which will be credited later on, that would take care of the salary bills of the petitioner also.

6. Considering the above, no interference called for. The writ petition stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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