

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

WRIT PETITION NO. 6788 OF 2016

**SAMADHAN KASHIRAM SATAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.R.M. Jade, Advocate for the petitioners.

Mr.N.T. Bhagat, AGP for respondent/State.

Mr.Y.B. Bolkar, Advocate for respondent No.3.

Mr.Pradeep Deshmukh h/f. Mr.Y.P.Deshmukh, Advocate for respondent No.4.

Mr.Milind Patil, Advocate for respondent No.5.

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

DATED : 04.10.2018

P.C. :-

1. The case of the petitioner is that petitioner is appointed by respondent No.4 under appointment order dated 18.07.2014 and joined with respondent No.6 on 22.07.2014. On 30.07.2014 the petitioner was transferred to respondent No.5, however, since said date, the petitioner is not allowed to join with respondent No.5.

2. It is case of respondent No.5 that respondent

No.5 is managed by its own Committee and not by the Trustees of respondent No.4. Respondent No.5 maintains its own seniority list. The advertisements, appointment orders are given by the Committee of respondent No.5 independently.

3. It is case of respondent Nos.4 & 6 that the post on which the petitioner was appointed is available with respondent No.5 only and it is respondent No.4 that governs respondent No.5 and according to respondent No.4, common seniority list is maintained of the employees of respondent Nos.5 and 6, whereas according to respondent No.5 common seniority is maintained of the employees of respondent No.4. All these facts will have to be gone into.

4. The petitioner may approach the Grievance Committee for redressal of his grievance as claimed in present prayer clause (A).

5. Insofar as the grievance with regard to salary is concerned, it appears that the petitioner was appointed by respondent No.4 in respondent No.6-school and he had joined. In that case it would be appropriate to approach the Joint Director of Higher Education, Jalgaon Division with regard to grievance of his salary. The Joint Director of Higher Education shall on receipt of application/representation of the petitioner, take decision with regard to entitlement of the petitioner, after hearing all the parties concerned.

6. In that regard, all the contentions of the respective parties are kept open.

7. If the petitioner approaches the Grievance Committee, the Grievance Committee shall decide the grievance of the petitioner after hearing all the parties concerned expeditiously, preferably within three months from the date the application/representation.

8. Depending upon the decision given by the Grievance Committee, the Joint Director of Higher Education may take decision with regard to entitlement of salary of the petitioner.

9. With the above observations, the writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]