

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9352 OF 2017

Ram Prabhakar Kshirsagar .. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Shri Manoj Dond h/f Shri Chandrakant K. Shinde,
Advocate for the Petitioner.

Shri N. T. Bhagat, A.G.P. for Respondent Nos. 1
and 2.

Shri Rahul R. Karpe, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATE : 12th July, 2018

PER COURT :

1. It is submitted that the petitioner is working as a 'Junior Clerk' since the year – 2007. The petitioner is discharging his duties and he is in service, however, salary is not being paid.

2. Mr. Karpe, learned counsel for the respondent No.3 submits that some amount is paid to the petitioner. There are disputed questions of facts. In fact, the petitioner agreed to work. Now he is taking somersault. The learned counsel further

submits that institution does not receive grant-in-aid.

3. Irrespective of the fact that the petitioner is working in non-aided institution he is entitled to receive the salary as per Schedule-'C' of the Maharashtra Employees of Private Schools (Conditions of Service) Rules commensurate to his qualification.

4. The respondent shall pay the petitioner 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 petitioner. For resolving the same, we direct the parties to approach the Education Officer (Secondary), Zilla Parishad, Ahmednagar. The petitioner shall file detailed application with regard to the amount due and payable to him by the respondent-Institution. The respondent-Institution may also place before the Education Officer the amount paid to the petitioner and its stand.

6. The Education Officer shall after considering the record, determine the amount payable to the petitioner after adjusting the amount if any, paid by the respondent-institution. The parties shall appear before the Education Officer on 2nd August, 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. Writ Petition accordingly stands disposed of.
No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

marathe