

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

WRIT PETITION NO.10249 OF 2017

Mangesh s/o Ashok Vaidya

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr M.S. Shaikh, Advocate for petitioner

Mr P.S. Patil, A.G.P. for respondent no.1

Mr S.T. Shelke, Advocate for respondent no.2

Mr R.R. Karpe, Advocate for respondents no.3 and 4

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

DATE : 10th April 2018

PER COURT

1. The petitioner claims unpaid salary as per the pay-scale from 2.12.2012 to 27.12.2016. It is submitted that the petitioner has already filed an appeal before the School Tribunal in which he has also claimed salary for the period prior to 27.12.2016. The School Tribunal does not have jurisdiction to grant relief with regard to salary prior to date of termination.

2. There are disputed questions of facts raised by the parties. According to respondents, the petitioner has received entire amount towards full and final settlement of the claim and the petitioner has admitted the said fact before the police authority. According to petitioner, the same is not true and correct.

3. Under the Maharashtra Employees of Private Schools (Condition of Services) Act, the Deputy Director of Education would be competent authority to consider the pay-scale and all other aspects of the matter.

The parties are relegated before the Deputy Director of Education. The Deputy Director of Education, after hearing the petitioner, respondent nos.3 and 4 shall consider the amount paid to the petitioner and determine the amount payable to the petitioner towards the salary for the period, the petitioner has worked. The Deputy Director of Education shall also consider the record and the documents submitted by respondents no.3 and 4 and the petitioner and then arrive at a conclusion as to the amount paid to the petitioner or payable to the petitioner.

4. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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