

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

921 WRIT PETITION NO. 10010 OF 2017

SHAIKH AFSAR PASHA ABDUL WAHAB

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH WP/10005/2017

FEROZKHAN HADERKHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH WP/11579/2017

DAIMI MINHAJ BEGUM AFZAL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. G.R.Syed, Advocate for Petitioners

Mrs. A.V.Gondhalekar, AGP for Respondents-State

Mr. D.S.Mali, Advocate for Respondent Nos.4 & 5

Mr. S.B.Munde h/f Mr. V.D.Gunale, Adv. for Respondent No.6

Mr. P.H.Patil h/f Mr. P.B.Patil, Advocate for Respondent No.7

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**CORAM : PRASANNA B. VARALE AND
MANGESH S. PATIL, JJ.**

DATE : 29.11.2018

PER COURT :-

1. Heard Mr. G.R.Syed, the learned counsel for the petitioners. A common grievance is raised in these petitions. The petitioners submit that they were appointed in Respondent No.6 - School namely Ismail Urdu Primary School being run by Respondent No.7 - Institute namely Phoenix Foundation Sanstha, in the year 1993 and they were

discharging their duty as a teacher for a considerable long period from October 2011, the monthly salary is not paid to the petitioners. The petitioners along with the other teachers similarly situated submitted representations to the Education Officers (Primary) as well to Respondent No.6- Head Master. Respondent No.6 also in turn submitted the request before the Education authorities.

2. The learned counsel invited our attention to the copy of such representations placed on record from year 2011 to year 2014. The last representation placed on record is of 30.05.2014. Respondent Nos.6 and 7 by filing affidavit-in-reply through Respondent No.6 support the case of the petitioners. Along with the affidavit-in-reply certain documents placed on record to submit that the institute as well as the Head Master took the necessary steps such as submitting the pay bills and forwarding the representations to the authorities.

3. One of the communications placed on record along with the affidavit-in-reply show that the Superintendent of Pay and Provident Fund Unit refers to a submission of bill and states that its a belated bill against the salary for October 2011 to 2013 and necessary approval be granted.

Along with affidavit-in-reply, copy of the representation made to the Secretary of the Education Department is also placed on record and the same is at Exh.R-4 collectively dated 20.01.2014. On the very date i.e. on 20.01.2014, the Desk Officer forwards a communication to the Deputy Director of Education, Latur Division, Latur informing him that the Secretary, Education Department received the representation dated 20.01.2014 and the Deputy Director of Education to process the matter and to take necessary steps. Thus what emerges from the perusal of material is the petitioners as well as Respondent Nos.6 and 7 have approached Respondent No.5 - Education Officer and to the other authorities namely Respondent No.1 - Secretary and Respondent No.3 - Deputy Director of Education, Latur region and the representations are still pending for decision by the Education Officer (Primary) Latur i.e. Respondent No.5.

4. In our opinion, without going into the other details and without referring to the other material placed on record, the petition can be disposed of by giving directions to Respondent No.5 to decide the representations within a stipulated period. This direction would meet the ends of

justice and would cause no prejudice to the respondents.

5. Accordingly, we allowed the petitions in terms of prayer clause 'C' and further direct the Education Officer - Respondent No.5 to decide the representations received by him either by the petitioners or through Respondent No.6, as expeditiously as possible and not later than twelve weeks from the date of order of this Court. Respondent No.3 – the Deputy Director of Education, Latur Region, Latur also intimate the Education Officer (Primary) to take necessary steps within the stipulated period as directed by this Court and the Deputy Director of Education to look into the matter personally for early decision by the Education Officer in compliance of this order of this Court.

6. With these directions, the petitions are disposed of. Needless to state that the Education Officer to decide these representations on the merits of the representations and if needed by giving an opportunity of hearing to the concerned parties.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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vmk/-