

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

**WRIT PETITION NO.4496 OF 2017**  
**(Devidas Tukaram Shimple Vs. The State of Maharashtra**  
**and others)**

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Mr. Syed Masood Chand, Advocate for the petitioner  
Mr. S.Y. Mahajan, A.G.P. for the respondent/State  
Mr. V.R. Dhorde, Advocate for respondent Nos.3 to 5

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**CORAM : NARESH H. PATIL, C.J. AND**  
**N.M. JAMDAR, J.**

**DATE : 13<sup>th</sup> DECEMBER, 2018**

**ORDER :**

Heard the learned counsel for the respective parties.

2. The petitioner has raised a grievance that though he has worked with respondent Nos.3 to 5 during the period from July, 2013 to February, 2015, he has not been paid salary for the said period. The learned counsel for the petitioner submits that the petitioner again joined the service with the respondents in the year 2015 and has been continuously working since then, and the Management has been regularly paying salary to him.

3. The learned counsel for respondent Nos.3 to 5 submits that the petitioner was absent during the period from July, 2013 to February, 2015. He did not at all attend the school during the said period and the school suffered due to his behaviour and absenteeism. An appropriate enquiry was conducted by the Management. As he was absent during the aforesaid period there is no question of paying the salary to him for the said period.

4. Both the above questions of fact, which include examination of documents, witnesses, etc., in fact, need not be gone by this Court into in the present petition. However, we grant liberty to the petitioner to resort to an appropriate alternate remedy in respect of his claim of arrears of salary for the aforesaid period. All the points are kept open.

5. With the above observations and liberty, the Writ Petition stands disposed of. No costs.

**[N.M. JAMDAR, J.]**

**[CHIEF JUSTICE]**