

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

WRIT PETITION NO. 12797 OF 2016

Santoshi Sarang Swami and Others ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. V.D. Sapkal, Advocate for petitioners.

Mr. K.N. Lokhande, A.G.P. for respondent nos. 1 to 3.

Mr. N.S. Kadam, Advocate for respondent no.4.

Mr. V.G. Sakolkar, Advocate for respondent nos.5 and 6.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 22nd OCTOBER, 2018

ORDER :

Heard Mr. Sapkal, the learned Counsel for the petitioners, the learned A.G.P. for respondent nos. 1 to 3, Mr. Kadam, the learned Counsel for respondent no.4 and Mr. Sakolkar, the learned Counsel for respondent nos. 5 and 6.

2. It is submitted that after the order is passed on 23rd August, 2018, the respondent – management allowed petitioner nos. 1 to 4 to join respondent no.5 – institution and salary is paid for the month of

September 2016. The learned Counsel submits that the salary bills from August-September 2016 are not submitted by the management, though the order is passed by this Court. The learned Counsel submits that petitioner no.5 is not allowed to join nor any subsistence allowance is paid to him.

3. Mr. Sakolkar, the learned Counsel for respondent nos. 5 and 6 submits that petitioner no.5 is under suspension. Permission from Education Officer is not required for suspending petitioner no.5. The earlier salary bills were submitted and were returned back to the management. Mr. Kadam, the learned Counsel for the Education Officer submits that the proposal is already sent to the Deputy Director of Education for derecognition of respondent no.6.

4. In the order dated 23rd August, 2018, we had observed that respondent no.3 – Education Officer is at liberty to continue process initiated by him with regard to derecognition of respondent no.5/6. We had also observed that respondent nos. 5 and 6 shall forward the salary bills to the Education Officer, which can be processed by the Education Officer and the salary bills should be forwarded within two weeks. It appears that the salary bill for the month of September 2018 was

forwarded. Respondent nos. 5 and 6 shall forward the salary bills for the period of August 2016 till August 2018 of petitioner nos. 1 to 4 to the Education Officer within a period of two weeks from today. The Education Officer shall process such salary bills and take decision upon it within three months thereafter.

5. Respondent nos. 5 and 6 shall pay subsistence allowance to petitioner no.5 as is permissible under the Maharashtra Employees of Private Schools Act and Rules from the date of suspension till this date within a period of three months and shall continue to pay till suspension is revoked.

6. It is submitted that the Education Officer has already forwarded the proposal for derecognition. The higher authorities have to take decision on it's own merit expeditiously. Writ petition is accordingly disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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