

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

**CIVIL APPLICATION NO. 10135 OF 2018
IN WP/996/2016**

**MAHATMA JYOTIBA PHULE JEEVAN SHIKSHAN PRASARAK AND APANG
SEVA MANDAL THROUGH ITS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Anandsingh Bayas, Advocate for the applicant
Mr.S.B.Joshi, AGP for the respondent/State
Mr.S.S.Jadhavar, Advocate for respondent No.3.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 01.11.2018**

P.C. :-

1. The petitioner seeks modification of the order dated 08.11.2017 in Writ Petition No.996 of 2016 to the extent of para 5 of the said order. Mr.Bayas, learned counsel for the applicant submits that the school is a grant-in-aid school. The order of the appellate authority is assailed before the learned Single Judge and the learned Single Judge granted status-quo in the matter. The management in fact is not liable to pay the salary from the date of termination till the date of order passed by the appellate authority. The learned counsel submits that further management does not have funds to pay the amount.

2. Mr.Jadhavar, learned counsel submits that the order of the appellate authority is not stayed and same requires to be implemented.

3. We had passed the order dated 08.11.2017 in Writ Petition No.996 of 2016 considering the order passed by the appellate authority. The petitioner has already

assailed the said order by filing Writ Petition bearing No.1743 of 2017. The learned Single Judge of this court had not stayed the order of the appellate authority and has passed order of "status-quo as existing today be maintained, considering that respondent No.6 is in employment".

4. It is for the applicant to seek clarification from the learned Single Judge visa-a-vis the order of the appellate authority assailed in the Writ Petition before the learned Single Judge.

5. The applicant may seek the clarification or such other prohibitory orders from the learned Single Judge in Writ Petition No.1743 of 2017. The said clarification be sought within four months from today. The non applicant No.4 shall not proceed with further proceedings of contempt, pursuant to order dated 08.11.2017 in Writ Petition No.996 of 2016 for a period of four weeks.

6. This order is passed only with regard to the payment of salary for the period from the date of termination till the date of the order of the appellate authority.

7. Accordingly the Civil Application is disposed of.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]