

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8971 of 2013**

Smt. Mahadevi KavachalePetitioner
versus
State of Maharashtra and ors.Respondents

Mr. V. K. Bodhare, advocate for the petitioner.
Mrs. Rupali Shinde, AGP for the State.
Mr. Prashant Dingrani i/b. Ms. Aarti Bhide, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 2nd APRIL, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the
respective parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking direction to respondent No.3 to pay the salary for the period between 24th July, 2007 to 30th June, 2012. There is no dispute that the petitioner was initially appointed with respondent No.3. However, for want of approval from the Education Officer, her services could not be continued since 2012. In that view of the matter, no relief also can be claimed against the respondent No.2- District Social Welfare Officer, Solapur and as a matter of fact, the petitioner has also not claimed such relief against respondent No.2.

3. So far as respondent No.3 is concerned, learned counsel for the respondent No.3, relied upon a document at "Exhibit A", page 41 annexed to the affidavit dated 25th November, 2016 filed on behalf of respondent No.3 and claimed that at the time of appointment, the petitioner had agreed that she will not claim any remuneration from respondent No.3 and she will claim the same only after approval to her appointment is granted by the Education Officer. Learned Counsel for the petitioner, in this regard, stated that the signature on the said document is not that of the petitioner. Learned counsel for respondent No.3 asserted that the said undertaking is given and signed by the petitioner herself.

4. In the above said circumstances, we are not inclined to entertain this petition mainly for two reasons viz. firstly that the writ will not lie against the private management and secondly that there are disputed questions of facts which cannot be gone into under the jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]