

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2839 OF 2017

Saidur Rahman ... Petitioner
Vs.
The State of Maharashtra and others ... Respondents

Mr. C. R. Sadasivan for Petitioner.
Mr. U. S. Upadhyay, AGP for Respondents No.1 to 3.

**CORAM : R. M. BORDE &
R. G. KETKAR, JJ.**
DATE : JANUARY 05, 2018

P.C. :

The petitioner is praying for issuance of directions to the respondent-Institution to pay back-wages for the period from 01.08.2003 to 25.11.2008. According to the petitioner, he has actually worked during the aforesaid period. However, the Education Officer has failed to pay salary. It is also the contention of the petitioner that the Institution receives the salary grant.

2. The petitioner had earlier approached the School Tribunal seeking quashment of the order of the termination and also for issuance of directions for his reinstatement and for back-wages. The period i.e. 01.08.2003 to 25.11.2008 is not covered under the order passed by the School Tribunal in respect of the release of the back-wages. It was open for the petitioner to avail of remedies available in law for enforcing recovery of the amount of wages from the management. It is inconsequential as to whether the Authority has accorded approval to the appointment of the petitioner or not. It is the primary responsibility of the management to pay the salaries to its employees and the aforesaid obligation is not dependent upon the pre-condition of grant of approval

by the Education Authorities. If the petitioner had worked for the aforesaid period, he is entitled to recover the amount from the educational institution. It is still open for the petitioner to avail of the remedies available in law for redressal of his grievance. In exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India, the Petition's claims for recovery of amount of wages for a period during which employee had worked need not be entertained since the petitioner has alternate efficacious remedy available for redressal of his grievance.

3. Keeping open the remedies that are available to the petitioner in accordance with law, the Petition is disposed of.

(R. G. KETKAR, J.)

(R. M. BORDE, J.)

Minal Parab