

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.24 OF 2018 IN
WRIT PETITION NO.737 OF 2013

Amar Ramchandra Bhalerao ...Applicant
vs.
Education Inspector (West
Zone) and others ...Respondents

Mr.Makrand Bakore for the applicant
Mr.Kedar Dighe, AGP for the respondent-State
Mr.Ashish P. Pawar for respondent Nos.5 and 6.

CORAM : A.S.OKA, &
SANDEEP K. SHINDE, JJ.
DATE : DECEMBER 4, 2018

P.C.:

1 This Notice of Motion is taken out by the writ
petitioner in a disposed of writ petition. Relevant
part of the Order dated 2nd February 2015 passed in
the Writ Petition reads thus:

"The petitioner would, however, be entitled for the approval for a period of two years, i.e from 29th April 2010 till 30th April 2012 and also the arrears of salary for the said period.

Hence, for the reasons aforesaid, the Writ Petition is partly allowed. The respondents are directed to grant approval to the appointment of the petitioner as a part-

time librarian from 29th April 2010 to 30th April 2012 and also release the arrears of salary for the said period within a period of three months."

2 By this Notice of Motion, the applicant is claiming salary for the period from 1st May 2012 till 8th June 2012. While disposing of the Writ Petition filed by the applicant, the salary for this period was not ordered to be paid. Therefore, in the disposed of Writ Petition the applicant is disentitled to claim such relief.

3 The learned counsel for the applicant relies upon the order dated 5th July 2017 passed by a Division Bench in Perjury Petition filed by the applicant. We have perused the said order. The applicant has withdrawn the perjury petition with liberty to file a Civil Application in disposed of Writ Petition for claiming unpaid salary. This was the voluntary act by the applicant. The order dated 5th July 2017 does not mean that the present application was held to be maintainable.

4 We, therefore, dismiss the Notice of Motion only on the ground that the relief claim therein cannot be claimed in disposed of Writ Petition.

(SANDEEP K. SHINDE,J.)

(A.S.OKA,J.)