

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

35 WRIT PETITION NO.3204 OF 2019

SANGITA CHINTAMANI KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Yeramwar Sushant C.
AGP for Respondents-State : Mrs. G.L.Deshpande.
Advocate for Respondent No.2 : Mr. Pulkundwar Santosh B.
Advocate for Respondent No.3 : Ms. Ashwini S. Hoge Patil.

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**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

PER COURT :-

1. The learned counsel submits that the petitioner was released by the Nanded Zilla Parishad on 08.05.2017. The petitioner had filed Writ Petition against the said action bearing Writ Petition No.7831 of 2017. On 16.06.2017, the petitioner had been to the Zilla Parishad, Primary School, Georai and submitted a letter that without prejudice to his rights, he is resuming his duties. According to the petitioner, he was not allowed to join. The petitioner issued letter to the Chief Executive Officer also. The petitioner was eventually allowed to join on 15.01.2018. The learned counsel submits that salary for the period 09.05.2017 to 14.01.2018 is not paid.

2. The learned counsel for the Zilla Parishad, Aurangabad submits that the report was called from the concerned. It is clear that on the basis of the report of the Block Education Officer, the petitioner did not join and from the date the petitioner joined the services of the respondent, the petitioner is paid the salary.

3. Mr. Phulkundwar, the learned counsel for the Zilla Parishad, Nanded accepts that the petitioner was relieved on 08.05.2017 and the transfer order was issued to him.

4. The dispute is about non-joining of the petitioner. According to the petitioner, he had approached the respondents and requested to allow him to resume the duties. According to the Zilla Parishad, Nanded, the petitioner on his own volition, did not join the duties.

5. The letters placed on record are not disputed by the Zilla Parishad, Aurangabad. There are consistent letters on the part of the petitioner to the Head Master and also to the Chief Executive Officer requesting them to allow the petitioner to join. In view of that, fault cannot be attributed to the petitioner in not joining the duties. It was for the respondent to allow the petitioner to resume the duties. It was only under the orders of this Court dated 11.01.2018 in Writ Petition No.7831 of 2017, the petitioner was allowed to join.

6. Considering the above, the respondent - Zilla Parishad, Aurangabad shall pay salary to the petitioner for the period of 09.05.2017 to 14.01.2018. The same shall be paid preferably within a period of four (4) months.

7. Writ Petition is accordingly disposed off. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-