

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

903 WRIT PETITION NO.3137 OF 2018

PRABHAKAR SHANKARRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Barlinge S. R.

AGP for Respondents State: Mr. S.P.Tiwari

advocate for respondent No.2: Mr. M. S. Sonawane

Advocate for Respondent No.3 : Mr. Sujit Patil h/for
Mr. V.D. Salunke

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 28th March, 2019

PER COURT :

1. We had heard the matter on 04.03.2019. The contention of the petitioner was that respondent No.3 is not allowing the petitioner to join, whereas, learned Advocate for the respondent school submitted that the petitioner had not joined the duties. There are rival contentions in this regard.

2. It is not the case of the respondent Institution that the petitioner was not appointed. It appears that appointment order is issued to the petitioner by the Institution. We are not entering into the said dispute. Suffice it to observe that there is no dispute that the petitioner is in employment, however, the only dispute is with regard to the petitioner not joining and/or respondent No.3 not

allowing the petitioner to join.

3. The petitioner shall remain present in the School, for which the petitioner was issued appointment order by the respondent no.3, on 02.04.2019 at 10.00 a.m. Respondent No.2-Education Officer (Primary), Zilla Prishad, Jalgaon shall also depute his representative in the said school at 10.00 O'clock. The representative of the Education Officer shall submit report of joining of the petitioner or otherwise, to the Education Officer.

4. With regard to the dispute about payment of salary, the petitioner may approach the Education Officer for the said purpose. The Education Officer shall, after considering the contentions of the petitioner and respondent no.3, take decision about entitlement of the petitioner for the salary, as contended by the petitioner, within a period of three months from the date, the petitioner approaches the Education Officer.

5. With these observations writ petition stands disposed of. No costs.

(A. M.DHAVALA,J.)

(S.V.GANGAPURWALA, J.)