

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
973 WRIT PETITION NO.5110 OF 2019**

MANISHA BHASKAR PATIL AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. V. D. Hon, Senior Advocate with Mr. Ashwnin V. Hon, Advocates for the Petitioners.

Mr. A. B. Girase, GP for Respondents-State.

Mr. Vijay Deshmukh, Advocate for Petition in WP/9292/2018.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 01st AUGUST, 2019.

PER COURT:-

1. Heard Mr. Hon, learned senior counsel for petitioners and Mr. Girase, Government Pleader for respondent nos.1 to 3.

2. Though respondent no.4 is served, none appears for respondent no.4.

3. We have also heard Mr. Deshmukh, learned counsel who is appearing for petitioners in Writ Petition No.9292/2018, as it was submitted that the petitioners in writ petition no.9292/2018 have assailed the approval granted to petitioners.

4. The present writ petition is limited to the extent of release of salary.

5. It is not disputed by any of the parties that the appointments of petitioners are approved. The contention is that the approval is erroneous and without considering all the relevant aspects of the matter. The petitioners, however, are officiating their duties with respondent no.4, then till the time they are officiating their duties, they are required to be paid the salary. It is also not the case of the State that on the post on which the petitioners are appointed, some other persons are officiating. It is also not disputed that the post on which these petitioners are appointed and for which the approval is granted are grant-in-aid posts.

6. In view of the above, in the present matter, we are not called upon to decide the validity of the approval orders passed. The same is subject matter of writ petition no.9292/2018. In case the writ petition no.9292/2018 is allowed, the consequences would follow. However, till the time the petitioners are working on the posts, the salary will have to be paid to those persons, unless it is a case of other persons also working on the same posts.

7. It is submitted that the Institution has submitted proposals for payment of salary of petitioners.

8. According to Mr. Deshmukh, learned counsel, the proposals were returned by the Education Officer. Mr. Hon, learned senior counsel submits that the proposals were again submitted to the Education Officer.

9. In view of that, the Education Officer shall process the salary bills of petitioners. It shall not be rejected only on the ground that writ petition no.9292/2018 is pending. It shall consider that if the petitioners are working on the said posts, then the salary bills shall be processed. The same shall be considered expeditiously and preferably within a period of two (02) months from today.

10. Mr. Girase, learned Government Pleader submits that now the petitioners have remedy to raise their grievance before the Committee constituted under Government Resolution dated 20.07.2019. The constitution of the committee to consider the grievance of the employees of aided or partially aided schools is as under:

1	Deputy Director of Education	President
2	Head Master of the concerned school	Member
3	Education Officer	Member Secretary

11. If employees have a grievance against the school and in the committee if Head Master of the

same school is a member, then it may flout the principles of natural justice. He would become a judge of his own cause. The State may consider the said aspect and take decision as to whether to retain the Head Master of the concerned school in the committee. The decision shall be taken expeditiously and preferably within a period of one (01) month from today.

12. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-19