

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

8 WRIT PETITION NO.1236 OF 2018

**VIDYA VIKAS SHIKSHAN PRASARAK MANDAL THROUGH ITS
PRESIDENT C P HAJGUDE AND ANOTHE
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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**Advocate for Petitioners : Jadhavar Santosh S. And P G Tambade
AGP for Respondents: K.B.Jadhavar**

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

DATE : 26/06/2019

PER COURT :

The petitioner is challenging the order of approval only to the extent of directing management to pay salary permanently to petitioner no.2.

2] We have heard learned counsel for petitioner and the learned counsel for respondent.

3] It is submitted that the post on which petitioner no.2 is appointed is brought on partly grant in aid from the year 2016. The petitioner no.2 is appointed on 15/6/2012. The petitioner no.2 was terminated as the approval was rejected. On 2/1/2014 the petitioner no.2 approached the School Tribunal. Thereafter the School Tribunal allowed the appeal on 27/2/2015 directing reinstatement and payment of full backwages.

4] Till the order of the School Tribunal, admittedly the petitioner no.1 was not brought on grant in aid. In view of that till the school is

brought on grant in aid, petitioner no.1 will have to pay full salary to the petitioner no.2.

5] The approval has been granted to the appointment of petitioner no.2. As the approval has been granted to the appointment of petitioner by Education Officer, naturally the respondent State would be liable to pay the salary to the petitioner no.2 commensurate with the grant in aid sanction. It is submitted that in 2016, petitioner no.1 was brought on 20% grant in aid. The State will have to pay salary to the petitioner no.2 to the extent of 20% for the year 2016 and accordingly as and when the grant is released.

6] In light of the above, the order dated 2/7/2015 of approval is modified. The order to the extent that Management shall pay the salary of petitioner no.2 permanently is set aside. The State will have to pay salary as per the grant in aid sanctioned after 2016. Writ Petition accordingly disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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