

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

WRIT PETITION NO. 8086 OF 2019

**PRAVIN KEDARESHWAR MISTRY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Brahme Shailesh P.

AGP for Respondents No. 1 to 3 :

Mrs. G. L. Deshpande

Advocate for Respondents No. 5 & 6 :

Mr. M. S. Kulkarni

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

DATE: 18th DECEMBER, 2019

PER COURT:

1. The dispute is about the salary to the petitioner from May 2018.

2. According to the learned counsel for the petitioner, he was officiating as Headmaster. He is entitled for the salary till the date of his termination.

3. According to the respondents, the petitioner handed over the charge of Headmaster in May 2018 and was officiating as Assistant Teacher. The

Education Officer has already deposited the amount payable to the petitioner for the post of Headmaster in the joint account of the Headmaster and Secretary of the institution.

4. There cannot be any dispute that the petitioner would be entitled to the salary. The only dispute that would be about the post. It is also not disputed that, the petitioner had handed over the charge of the post of Headmaster and was officiating as an Assistant Teacher.

5. The appeal filed by the petitioner against the order of termination is pending before the School Tribunal.

6. At present, without prejudice to the rights and contentions of either parties the respondents shall pay salary to the petitioner as admissible for the post of Assistant Teacher. The same shall be paid within four (04) weeks from today.

7. The Deputy Director of Education, Aurangabad shall consider the claim of the petitioner and the

respondents with regard to the salary payable to the petitioner as Headmaster till the date of his termination within a period of four (04) months. The petitioner and the respondents shall appear before the Deputy Director of Education, Aurangabad on 26.12.2019. The learned A.G.P. shall communicate this order to the Deputy Director of Education, Aurangabad.

8. Writ Petition stands disposed of accordingly.

No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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