

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

WRIT PETITION NO. 4404 OF 2014

Prabhuling Baswaraj Malge
Age: 44 years, Occu.: Service,
R/o Hanegaon, Tq. Degloor,
Dist. Nanded

..PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32
2. The Education Officer (Secondary),
Zilla Parishad, Nanded, Dist. Nanded
3. Shri Sharan Shantivardhak
Shikshan Sanshta, Hanegaon,
Through its Secretary
Virbhadra Sangaiya Swami Malge
Age: 55 years, Occu.: Legal Practitioner,
R/o Hanegaon, Tq. Degloor,
Dist. Nanded
4. Savitribai Phule Girls'
Secondary High School, Hanegaon,
Tq. Degloor, Dist. Nanded
Through its Head Mistress

..RESPONDENTS

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Mr. V.G. Kodale, Advocate h/f Mr. V.D. Gunale, Advocate for petitioner
Mr. A.S. Shinde, A.G.P. for respondent no.1 - State
Mr. Sandip Sulami, Advocate h/f Mr. S.L. Pansambal, Advocate for
respondent no.3

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**CORAM : SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.**

DATED : 09th APRIL, 2019

ORDER :

Heard finally by the consent of learned Counsel for the parties.

2. Petitioner is invoking powers of this Court under Articles 14, 16 and 226 of Constitution of India, praying for direction to release increments of petitioner which are withheld from April 2013 onwards and to restrain recovery of claimed arrears of increments from salary of petitioner.

3. Petitioner is a permanent approved teacher of Respondent No.4 - school. He had been receiving increments in salary till July 2012. However, while petitioner had worked as in-charge Headmaster, being senior most Assistant Teacher working in the school, during leave of Mrs. S.B. Rane, who was also in-charge Head Mistress, after she had resumed charge of in-charge Head Mistress, she has remitted salary bills of petitioner withholding increments granted. In the circumstances, petitioner had approached Deputy Director of Education by filing application dated 09th July, 2013 making grievance in respect of withholding of increments. It has been referred that withholding of increments is without any notice to petitioner.

4. When the matter was pending before this Court, on 08th March, 2019, this Court had directed learned Assistant Government Pleader to ascertain as to progress about representation of petitioner filed in 2013. Affidavit-in-reply has been filed referring to paragraph 8 thereof that hearing has taken place in respect of representation of petitioner and that the deponent had instructed Head Master to obtain school record from the management and to sanction increments of petitioner. Alongwith affidavit, an order to that effect dated 05th April, 2019 has been annexed.

5. Having regard to this development, it appears that to a large extent, purpose underlying the petition has been met with. No further orders as of now are required. Writ Petition, therefore, is disposed of in view of the aforesaid.

SSD (R.G. AVACHAT, J.) (SUNIL P. DESHMUKH, J.)