

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

WRIT PETITION NO. 8492 OF 2018

Hajerabegum D/o. Khaja Miya Petitioner

Versus

The State of Maharashtra ... Respondent

.....
Mr V. M. Maney, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
.....

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

DATE : 11TH JANUARY, 2019

ORDER:

. The petitioner claims salary for the period from March-2017 to 31.08.2017. The account of the petitioner is also not allowed to be operated by the State Bank of India, Kandhar Branch. As far as the dispute with regard to payment of salary for the period from March-2017 to 31.08.2017 is concerned, there is a dispute amongst the parties. The Headmaster of the school states that, the petitioner was absent during the said period whereas; according to the petitioner, the petitioner discharged her duties till the date of her retirement as I/c. Headmistress.

2. We relegate the parties before the Education Officer. The Education Officer shall consider the record that may be produced by the respondent-Institution and the petitioner and after hearing them take decision about entitlement of the petitioner over salary for the period from March-2017 to 31.08.2017. The parties shall appear before the Education Officer on 22.01.2019. The Education Officer shall take decision upon it expeditiously, preferably within a period of six weeks from the date of the appearance of the parties.

3. The salary account is not allowed to be operated by the respondent No. 3 - Bank. In fact, the salary of the employee cannot be attached in toto. The same can only be attached in consonance with Section 16(1)(i). The Bank shall adhere to Section 16(1)(i) while restricting the operation of the bank account.

4. Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde