

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

**80 WRIT PETITION NO.123 OF 2017**

MADAN TUKARAM NARWADE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH  
WRIT PETITION NO.757 OF 2018  
WITH  
CIVIL APPLICATION NO.11184 OF 2018  
IN  
WRIT PETITION NO.757 OF 2018**

PRADIP S/O MAROTI PIMPARKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...  
Mr. B. R. Warma h/f Mr. Ujjwal Agrawal, Advocate  
for the Petitioners.

Mrs. P. V. Diggikar, AGP for Respondents-State.

...

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

**DATED : 16<sup>th</sup> APRIL, 2019.**

**PER COURT:-**

1. Writ Petition No.123 of 2017 is filed for payment of salary for the period from November 2013 to 31.10.2016 and Writ Petition No.757 of 2018 is filed for release of salary for period from November 2013 to 31.08.2017.

2. The affidavit-in-reply is filed by the District Social Welfare Officer. Paragraph 9 of the said reply reads thus:

"9. Thereafter, the office of present deponent has sought guidance from the respondent no.2 by letter dated 08.03.2016 in respect of releasing the salaries of the staff. A copy of said letter is already annexed by the petitioner at Exhibit-F page-60. Thereafter, the respondent no.2 Commissioner by its communication dated 07.12.2016, has directed to disburse the salaries of the employees as per the prescribed norms and Rules. It is also directed to the present respondent that, before disbursement of amount the office of present respondent shall verify the validity of the license issued to the said special school and whether old employees have been absorbed or not."

3. Even the Apex Court has passed an order in Special Leave to Appeal filed by **Rajmata Mahila Bahu Uddeshiya Seva Bhavi Sanstha Beed Through its President Vs. Radhabai & Ors.** The Apex Court has observed that so long as the teachers are imparting education to the children, they shall be paid their salary in accordance with the rules.

4. Considering the above and the affidavit filed, the respondents shall consider the case of petitioners for release of salary within a period of three (03) months from today after scrutinizing the record.

5. Writ Petitions are disposed of. No costs.

6. In view of disposal of Writ Petition No.757 of 2018, the present Civil Application No.11184 of 2018 stands disposed of.

**(A. M. DHAVALA)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**

Devendra/April-19