

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

29 WRIT PETITION NO.13971 OF 2018

MAHESH BHALERAO BHOSAE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Prashant R. Nangare, Advocate for the
Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Mr. Anand V. Indrale Patil, Advocate for Respondent
Nos.4 and 5.

...

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

DATED : 13th JUNE, 2019.

PER COURT:-

1. It is not disputed that the petitioner today is not working with the institution. In view of that, it is a case of otherwise termination. The petitioner has remedy of Appeal under the provisions of MEPS Act.

2. It is submitted that, the petitioner is also claiming salary for the period of three years. The respondents disputed that the petitioner was appointed and working with them.

3. In view of the disputed questions of fact, it will not be possible for this Court to consider

the said aspect. The petitioner may approach the Deputy Director of Education by making an application for grant of salary. The Deputy Director of Education shall consider and decide the application filed by the petitioner after hearing respondent nos.4 and 5 and considering the record that would be produced by the parties. The said decision shall be taken by the Deputy Director of Education within a period of six months from the date of submission of an application by the petitioner.

4. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE