

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

98 WRIT PETITION NO.364 OF 2019

SHAIKH HAFIZ SHAIKH HABEEB

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Vivek J. Dhage and Mr. D. A. Karnik, Advocates
for the Petitioner.

Mr. V. M. Kagne, AGP for Respondents-State.

Mr. Shantaram R. Dheple, Advocate for Respondent
No.2.

Mr. Atul M. Karad and Mr. G. L. Kedar, Advocate for
Respondent Nos.3 and 4.

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

DATED : 02nd DECEMBER, 2019.

PER COURT:-

1. The question is of the payment of 30% back wages as directed by the School Tribunal and confirmed by the learned Single Judge of this Court in writ petition.

2. Mr. Dheple, learned counsel submits that the petitioner has not worked during the interregnum period i.e. 07.10.2007 to 10.01.2016, as such, is not entitled for the back wages. According to the learned counsel, principle of no work no pay would apply. The salary bills are required to be submitted by the Management.

3. The learned counsel for the Management submits that the salary bills are already submitted.

4. It appears that, the Management has submitted the proposal for payment of 30% back wages to the petitioner.

5. In case, the said proposal/salary bills of the petitioner to the extent of 30% for the interregnum period as is directed by the School Tribunal and is confirmed by the learned Single Judge of this Court is not traceable with the respondent-Education Officer, then the Management may submit fresh salary bill for the period 07.10.2007 to 10.01.2016 for the payment of 30% back wages for the said period. On receipt of the said, the Education Officer shall process it and take decision upon it for sanction of the said amount within a period of three (03) months from the date of receipt of the fresh salary bills in tune with the judgment of the School Tribunal and is confirmed by the learned Single Judge of this Court.

6. Writ Petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE