

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1057 OF 2013

Mahatma Phule Vidya Prasarak	}	
Mandal and Ors.	}	Petitioners
versus		
The Education Officer, Primary	}	
Section and Ors.	}	Respondents

Mr. Vaibhav Patankar for the petitioners.

Mr. S.B. Kalel-AGP for respondent nos. 2
to 6.

CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.

DATE :- JANUARY 9, 2019

P.C. :-

1. Mr. Patankar appears and apologizes for his absence on the previous occasion. With his consent, we have heard him on the point of admission.

2. Having heard Mr. Patankar, we find that the writ petition is entirely frivolous. In the event the recovery is contemplated against the deceased respondent no. 7 as the amount, according to the petitioners, is legitimately due and payable to the petitioners and not to the deceased employee, then, nothing prevents the petitioners from instituting appropriate proceedings, including bringing a suit in a competent civil court.

In writ jurisdiction we cannot go into the disputed issues, particularly when the amount is already disbursed by the State and released in favour of the deceased respondent no. 7. Now that the respondent no. 7 is dead does not mean that the remedies of the petitioners are foreclosed. Keeping open the same, the writ petition is disposed of.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)