

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 408/2019

IN

WRIT PETITION NO. 3750/2017

Shri Vidya Vaibhav Shikshan Sanstha & anr.

..VS..

Presiding Officer & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.Z. Jibhkate, Advocate for the applicant/petitioner(s)
Shri V.P. Maldure, AGP for the non-applicant/respondent nos. 1 and 2
Shri A. Sambre, Advocate for the non-applicant/respondent no. 3

CORAM : Z.A.HAQ, J.

DATED : 28/02/2019

According to the petitioners, as per the judgment given by the Division Bench of this Court in W.P. No. 2361/2018 on 21/01/2019, liability to pay the salary of the respondent no. 3 is of the Education Officer. By the judgment passed in W.P. No. 2361/2018, the note at the foot of the communication dated 12/05/2017 informing the Headmaster of the School that the Education Officer is not liable to pay the honorarium/salary of the respondent no. 3 is set aside and it is held that the respondent no. 3 is entitled for salary for the period from 14/03/2015 till 27/06/2016. The petitioners have prayed that they be permitted to withdraw the amount of Rs. 2,60,000/- deposited by it with the Registry of this Court and the Education Officer be directed to release the amount towards the salary of the respondent no. 3 for the period from 14/03/2015 till 27/06/2016.

The prayer made by the petitioners in this civil application cannot be considered and granted. If the submission made on behalf of the petitioners that this Court has directed the Education Officer to pay salary of the respondent no. 3 is correct, then further writ cannot be issued by this Court as prayed in this civil application. If the submission made on behalf of the petitioners is not correct, then also prayer made in this civil application cannot be granted. Hence, the civil application is **dismissed**.

CIVIL APPLICATION (W) NO. 570/2018

The amount of Rs. 2,60,000/- deposited by the petitioners with the Registry of this Court, alongwith interest on it, if any, be given to the respondent no. 3.

As far as the enforcement of the directions of this Court in the order dated 23/10/2018 is concerned, the respondent no. 3 will be at liberty to initiate appropriate proceedings according to law.

The civil application is **allowed** accordingly.

JUDGE

Ansari