

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

**WRIT PETITION NO.2430 OF 2020**

**EKNATH BHIVSEN GORADE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...  
Advocate for the Petitioners : Shri U.R.Awate h/f Talekar And  
Associates

AGP for Respondents 1 and 2 : Shri S.B. Yawalkar  
Advocate for Respondent 4 : Shri V.G. Salgare  
Advocate for Respondent 5 : Shri A.N. Nagargoje

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**CORAM : RAVINDRA V. GHUGE  
&  
S.G. MEHARE, JJ.**

**DATE :- 16<sup>th</sup> September, 2021**

**Per Court :-**

1. We have heard the learned counsel appearing for the respective sides for quite sometime. Since it was almost 06:00 pm on 15.09.2021 when the hearing concluded, that we posted the matter today for further hearing and for passing orders.

2. Though the learned counsel have advanced extensive submissions, the issue before us is quite limited. An order is passed by the Deputy Director of Education, Aurangabad Region on 22.11.2019 directing the Educational Institution to deposit the unpaid salaries of the petitioners for the period

20.06.2010 till December, 2017, which is not obeyed. It calls for no debate that the salary bills have to be forwarded by the Headmaster of the school. If the Headmaster of the school does not forward such bills, the Education Officer can pass an appropriate order for ensuring that the unpaid salaries of the teachers are paid.

3. The learned advocate for the Management submits that they have filed a review application before respondent No.2 having regard to his order dated 22.11.2019. The learned AGP submits that respondent No.2 does not have the powers of review under any statute.

4. In view of the above, this Writ Petition is disposed off.

5. We direct respondent No.5/ Headmaster to comply with the order dated 22.11.2019 and forward the salary bills as regards the unpaid salaries of the petitioners to respondent No.3/ Education Officer (Primary), within a period of FIFTEEN DAYS from today. Thereafter, respondent No.3/ Education Officer shall initiate steps for clearing the said bills in view of the directions of respondent No.2/ Deputy Director of Education.

6. Needless to state, the Education Officer's powers

would be exercised to the extent of the percentage of grant-in-aid for payment of salaries of the petitioners and rest of the amount will have to be borne by respondent No.4/ Education Society.

7. The parties shall note that we have entertained this petition only to the extent of unpaid salaries since this Court would not deal with the notice of retrenchment of the petitioners as they have a statutory remedy under the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977 and the Rules of 1981.

*kps*

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)