

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

CIVIL APPLICATION NO.5536 OF 2021

IN WP/5331/2018

PRATIBHA KALIDAS DARADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Dr.Godbole R.J.

AGP for Respondent 1 : Shri S.B.Yawalkar

Advocate for Respondent 2 : Shri V.M. Chate

Advocate for Respondents 5 to 7 : Shri A.S. Deshpande

...

CORAM : RAVINDRA V. GHUGE

&

S.G. MEHARE, JJ.

DATE :- 17th August, 2021

Per Court :-

1. By this Civil Application, the applicant/ original petitioner seeks leave to withdraw an amount of Rs.10 lac deposited in this Court by the employer pursuant to the order dated 19.12.2019.

2. The contention is that though the applicant was working as an Assistant Teacher, she was paid Rs.6000/- as consolidated gross salary per month as against the sanctioned pay scale. It is further contended that this Court has recorded in it's order dated 19.12.2019 that even the Management contends that the present applicant should be considered on grant-in-aid post. Per contra, the Education Officer has ruled that respondent No.7

is appointed on grant-in-aid post. The applicant has been disengaged from service since 26.01.2021.

3. The learned advocate for the Education Officer submits that the only contentious issue is as to whether, the present applicant/ petitioner or respondent No.7 were working on the post, which was grant-in-aid. Factually, both of them were working on two different posts. According to his department, the applicant was working on no grant-in-aid post and respondent No.7 was working on grant-in-aid post.

4. The above dispute is subject matter of Writ Petition No.5331/2018.

5. The learned advocate for the Education Officer further submits that the amount deposited in this Court is from the coffers of the Management and not through the State exchequer.

6. The learned advocate for the Management submits, on instructions, that the Management has no objection if the applicant simplicitor withdraws the said amount.

7. In view of the above, this Civil Application is allowed in terms of prayer clause B, which reads as under :-

“B) By an appropriate order, direct office/ Registrar

(Judicial), High Court of Bombay Bench at Aurangabad to permit applicant to withdraw amount of Rs.10,00,000/- (Rs.Ten Lakh) deposited in this Hon'ble High Court by the Respondent No.04 to 06 along with interest if any by way of Cheque;”

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)