IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4971 OF 2020

SHRIRAM GOVINDRAO PUTTHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.K.P.Rodge h/f Mr.P.G.Rodge, Advocate for the petitioner.
Mr.S.R.Yadav-Lonikar, AGP for respondent Nos. 1 and 3.
Mr.D.S.Mali, Advocate for respondent No.2.

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

DATE : JULY 29, 2021

PER COURT :

1. Pursuant to our order dated 22/07/2021, respondent Nos. 2 and 3 have deposited an amount of Rs.5,000/- each, in this Court.

2. Respondent No.3 has tendered a chart showing amounts recovered from the petitioner, marked as 'X-1'. The learned Advocate for the petitioner has also tendered a chart of his calculations alongwith certain documents (12 pages). We have taken the said chart and documents on record, which are collectively marked as “X-2” for identification.

3. Having considered the strenuous submissions of the learned Advocate for the respective sides, we are disposing off this petition by consent. Though the learned AGP, on instructions, was not willing to grant any concession in the interest component, we have considered the submissions of Mr.Rodge and having noticed that this matter could have been resolved earlier provided both the sides would have co-operated with each other, we suggested that we would reduce the interest component to only 3% p.a. over the amount that was to be repaid by the petitioner. The learned Advocate for the petitioner submits on instructions that the petitioner is agreeable. The learned AGP submits on instructions that respondent Nos. 2 and 3 are also agreeable.

4. In view of the above, this petition is disposed off with the directions :-

[a] The petitioner would be liable to pay only 3% simple interest p.a. on the amounts which he was liable to pay.

[b] Respondent No.3 shall consider the 2 charts, one filed by respondent No.3 marked X-1 and one filed by the petitioner marked X-2 for calculating the total amounts that have been paid and then to calculate the interest component.

[c] The petitioner shall appear before respondent No.3 on 09/08/2021 at 2.00 p.m. Similarly, respondent No.4/ Head Master would also remain present as per the said schedule.

[d] Respondent No.2/Education Officer (Primary) would ensure that a copy of this order is served upon respondent No.4, within 7 days from today and direct the Head Master to remain present before respondent No.3 as per the above stated schedule.

[e] Respondent No.3 shall make the proper calculation and also calculate the interest component at the simple interest rate of 3% p.a. and pass a reasoned order.

(S.G. MEHARE, J.) (RAVINDRA V. GHUGE, J.)