

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

WRIT PETITION NO.6347 OF 2019

Shantabai w/o Gopal Waghmare

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...
Dr. Supriya L. Pansambal Advocate for Petitioner.
Mr.S.P. Sonpawale, A.G.P. for Respondents No. 1 to 3.
Mr.P.R. Tandale Advocate for Respondent No.4.
Mr.J.M. Murkute Advocate for Respondents No. 5 and 6.
...

**CORAM: SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.**

DATE : 8th MARCH, 2021

ORDER :

1. Learned counsel Mrs. Pansambal for petitioner submits that though petitioner had been working since her appointment, misleading record has been created and ultimately misdeeds of respondents No. 5 and 6 had led to de-recognition of the school. Though the petitioner had been working, her pay-bills were not submitted and as such salary was not received by her.

2. Learned counsel for respondent No. 4 – District Social Welfare Officer refers to affidavit in reply and submits that school management had not been co-operating and responding to communications by respondent No. 4 and not providing any record.

3. Learned counsel Mr. Murkute appearing for respondents No. 5 and 6 – the management vehemently submits that as a matter of fact, it is the petitioner who had not been attending duty from 2007. Lot of efforts have been made on management's part since the petitioner had been remaining absent. Several notices, including publication in newspaper, were issued to the petitioner and yet she had not rejoined the service. Even intimation about the notices issued to the petitioner had been given to respondent No. 4. Learned counsel purports to contend that salary in fact had been paid to the petitioner for the period from 2009 to 2013 and thereafter the petitioner had not remained present in the school.

4. The dispute is being raised about petitioner's service and her pay-bills. In the circumstances, while it is being contended that intimation had been given to respondent No. 4, it would be expedient that respondent No. 4 would consider the respective

stands of the petitioner and the management and decide the same. It may be done as early as possible, preferably within a period of three months from the date of receipt of writ of this order. Depending upon the conclusion that would be reached as to the presence or absence of the petitioners from respective dates till the date of de-recognition of the school, further decision shall be taken with regard to payment of her salary. In case of conclusion that petitioner was in service of respondent Nos. 5 and 6 from the date claimed by the petitioner till the date of de-recognition of the school, said period be considered for notional increments. There appears to be some dispute about the service book of the petitioner, which also may be looked into by respondent No. 4. The grievance of petitioner regarding fixation of salary as per 6th pay commission and arrears of salary, may also be looked into.

5. The parties to approach respondent No. 4 in right earnest and shall remain present before him on 5th April 2021, at 11.00 a.m.

6. With the aforesaid, writ petition is disposed of.