

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

943 WRIT PETITION NO.1618 OF 2021

DIGHE SUNIL NAMDEV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY TO
SECONDARY SCHOOL EDUCATION DEPARTMENT

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Advocate for the Petitioners : Shri S. T. Shelke
AGP for Respondents -State : Shri S. G. Karlekar
Advocate for Respondent No. 5 : Shri S. S. Wagh

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 28th JANUARY, 2021

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PER COURT :

1. The petitioners are aggrieved by the conditions of the approval order that from the date of appointment till 13/09/2017 the salary shall be paid by the Management.
2. Shri Karlekar, learned A.G.P. submits that the State would bear the burden of salary from the date the order was passed by this Court. For the earlier period, the management should bear the burden of salary. For the earlier year backlog existed. On that count also, approval could not have been granted.
3. The petitioners No. 1 to 4 belong to general category and petitioner No.5 belongs to VJNT category. The contention is that as on the date of the appointment of the petitioners, the vacant posts existed in the

respective categories on which the petitioners are appointed.

4. This Court, in Writ Petition No. 5860 of 2016, under order dated 13/09/2017 had only directed the Education Officer to decide the proposal. In fact it was the duty to be performed by the Education Officer to decide the proposal as directed by this Court.

5. In light of above, the clause that the honorarium and salary from date of appointment till 13/09/2017 should be paid by the management is quashed and set aside.

6. Honourarium for the period of three years from date of appointments and thereafter salary as per pay scale shall be paid by the State as, it is submitted that the appointment of the petitioners were on 100 % grant in aid basis.

7. Shri Wagh, learned counsel for respondent No. 5 submits that within two weeks, salary bills will be submitted. In case, the bills are received, the Education officer shall process the same preferably within a period of two months.

8. Writ petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

shp/-