

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

927 WRIT PETITION NO.8067 OF 2020

**SUREKHA RAVJI DURPADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Baliram B Shinde
AGP for Respondent Nos.1 to 3 : Mr. S.B. Pulkundwar
Advocate for Respondent No.4 & 5 : Mr. G.A. Gadhe
...

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

DATED : 23rd SEPTEMBER, 2021

PER COURT:-

1. In this petition, petitioner nos.1 and 2 claimed to be employees as Assistant Teachers with petitioner no.3 - Education Society. The employees claimed to be permanent in the service of petitioner no.3. The grievance is that the Education Officer is not releasing grants for payment of salary of petitioner nos.1 and 2. It is the further grievance of the petitioners that salary grants are released to pay the salary of respondent nos.4 and 5.

2. We have heard the submissions of the learned counsel for the respective sides for quite sometime. We find from the affidavit in reply filed by Shri Madhav Sakharam Salgar, Education Officer (Secondary), Zilla Parishad, Nanded, that respondent nos. 4 and 5 are permanent employees and are senior to petitioner nos.1 and 2. Their dates of appointment are also mentioned which evidence this fact. The

salary grants are admissible only for two posts as they are sanctioned posts. Petitioner nos.1 and 2 are below the two teachers who are occupying permanent sanctioned posts.

3. The learned advocate representing respondent nos.4 and 5 submits that petitioner no.3 – Education Trust has been deregistered due to mismanagement under the orders of the learned Assistant Charity Commissioner on 23.01.2018. By the amended provision Section 22-A of the Maharashtra Public Trust Act, it would be the Assistant Charity Commissioner or the Deputy Charity Commissioner who would be administering the trust. Despite this fact, petitioner no.3 society is before this Court through its Secretary Shri Gopalkrushna Govindrao More, who is not authorized to file this petition considering the deregistration of the trust.

4. In view of the above, though petitioner no.3 can be said to be not authorized to file this petition, this petition is maintainable to the extent of petitioner nos.1 and 2. The affidavit in support of the petition is sworn by petitioner no.1.

5. It is thus apparent that the Education Officer has rightly released the salaries of respondent nos.4 and 5, who are permanent employees and are occupying the posts which have grants in aid. These are two sanctioned posts. As the management of the trust desires to continue petitioner nos.1 and 2, though there are no grants, the burden of paying the salary to these two petitioners would rest on

the shoulders of the management which will have to pay the salary from its coffers.

6. In view of the above, this petition, being devoid of merits, is therefore dismissed.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)