

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

969 WRIT PETITION NO.8478 OF 2021

SANGRAM JALBA WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Vivek J. Dhage.

AGP for Respondent/State: Mr. P. K. Lakhotiya.
...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 05th August, 2021.

P.C.:

. We have heard Mr. Dhage, learned counsel for the petitioner. The learned counsel submits that the present writ petition is filed only to the extent of the proceeding taken up by the Deputy Director of Education. He does not have jurisdiction to determine the dispute of retiral benefits.

2 In our opinion, the present writ petition is misconceived. The petitioner has already filed civil suit bearing Regular Civil Suit No.172 of 2021 before the Civil Judge (Senior Division), Latur. In the said civil suit, the petitioner has prayed that Defendant No.6 therein should be restrained from receiving the retiral benefits and Respondent Nos.1, 2 and 3 should be restrained from passing any orders on the file for

retiral benefits. Defendant No.2 therein is the Deputy Director of Education.

3 Similar relief is sought in the present writ petition i.e. restraining the Deputy Director of Education from taking decision in the matter.

4 The petitioner has already approached the Civil Court. The Civil Court has issued notice to the defendants in the said suit as to why injunction should not be granted. The Trial Court thought it fit not to grant *ex-parte* ad-interim injunction.

5 Only because the Trial Court has not granted *ex-parte* injunction this Court would not exercise its writ jurisdiction.

6 The petitioner may take up his claim as may be permissible under law.

7 The writ petition is dismissed. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]