

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

933 WRIT PETITION NO.12606 OF 2021

RAMDAS BHAGWANTA VAIDYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shelke Shivaji T.
AGP for Respondents State : Mr. S.P. Tiwari
Advocate for Respondent 5 : Mr. S.S. Wagh

...

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

DATED : 18/11/2021.

PER COURT :

. We have heard the learned counsel for the petitioners and the learned AGP.

2. The petitioners are aggrieved by the conditions of approval order that from the date of appointment till 16th December, 2018, the salary shall be paid by the management.

3. It appears that the said condition is imposed pursuant to the communication of the State Government dated 17th December, 2018. In the letter dated 17th December, 2018, the Government had directed the Education Officer to consider all the relevant aspects of

the matter and thereafter, shall grant approval. The communication of the State Government does not direct the Education Officer to put forth condition that the salary should be borne by the management till the year 2018.

4. The approval has been granted by the Education Officer meaning thereby that the sanctioned vacant posts were available in the respective categories in which the petitioners are appointed.

5. In the light of above, the clause that the honorarium and salary to the petitioners from the date of joining of the petitioners should be paid by the management is improper and the same is quashed and set aside. Honorarium for the period of three years from the date of appointments and thereafter salary as per pay scale shall be paid by the State as it is contended and submitted that the appointments of the petitioners were on 100% grant in aid posts.

6. Mr. 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.

6. Writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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