

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

WRIT PETITION NO. 1237 OF 2017

Ravindra S/o Laxmanrao Narwade ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

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Mr. R.D. Biradar, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos.1 and 2.
Mr. D.K. Rajput, Advocate for Respondent Nos.3.
Mr. G.K. Muneshwar, Advocate for Respondent Nos.4 to 6.

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

DATE : 18th FEBRUARY, 2021

PER COURT:-

1. Mr. Biradar, learned counsel submits that as far as the challenge to the order dated 25.08.2016 as well as communication dated 01.09.2016 issued by respondent No.6 is concerned, the petitioner would prefer an appeal before the School Tribunal.
2. The other prayers agitated by the learned counsel for the petitioner is of non payment of salary from 01.10.2015 to 01.09.2016.

3. The learned counsel for the respondent Nos. 4 to 6 submits that the management had submitted the proposal to the Education Officer for permanency of the petitioner, the same was rejected.

4. If the petitioner has worked from 01.10.2015 to 01.09.2016, then certainly the petitioner would be entitled for the salary for the said period. The management will have to bear the salary as the Education Officer has rejected the proposal for approval on the ground that there are four surplus teachers working with the institution and the post was not available to the present petitioner.

5. The respondents management shall pay the salary for the period from 01.10.2015 to 01.09.2016 as per the applicable pay scale preferably within six (06) months.

6. The School Tribunal shall consider the time spent in prosecuting the present writ petition.

7. The Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane