

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

**WRIT PETITION NO. 3411 OF 2019
WITH CA/11880/2019 IN WP/3411/2019**

Amol Rajebhau Ingle

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. D. B. Pawar, Advocate for the Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondent Nos. 1 and 2.

Mr. B. A. Shinde, Advocate for Respondent No. 3.

Mr. K. J. Suryawanshi, Advocate for Respondent Nos. 4 and 5.

Mr. V. S. Bochara, Advocate for Respondent No. 5.

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

DATED : 23rd JULY, 2021.

PER COURT:-

. At the request of Mr. Pawar, learned counsel for the petitioner leave to add Deputy Director of Education as a party-respondent. The learned A.G.P accepts notice for the added party.

2. The grievance of the petitioner is that the petitioner is not paid honorarium and the salary for the period from 27.04.2012 to 26.04.2015.

3. According to Mr. Pawar, learned counsel for the petitioner the petitioner was appointed by the management and has performed his

duties. After 26.04.2015 the name of the petitioner is deleted illegally from the Muster Roll. The learned counsel submits that there is a dispute amongst the members of the management. The approval was also granted to the appointment of the petitioner.

4. The contention of the learned counsel for respondent Nos. 4 and 5 is that the petitioner was never appointed.

5. The affidavit filed by the respondent No. 3 suggests that the office of respondent No. 3 had never granted approval to the alleged appointment of the petitioner. No such order of approval is on record of respondent No. 3, nor such proposal for approval was also ever submitted by the Headmaster. The petitioner has not joined respondent-school and as such, his name does not appear in the pay bills of March 2015. The name of the petitioner does not appear.

6. We have also heard the learned A.G.P for respondents/States.

7. It appears to be a case of disputed questions of fact. The petitioner avers that he is working since 2012 and his services are approved by the Education Officer. The Education Officer filed an affidavit and submits that no proposal for approval was submitted, nor approval was granted to the appointment of the petitioner. In such a scenario, it would be appropriate to refer the parties to the Deputy

Director of Education.

8. The petitioner shall approach the Deputy Director of Education and put forth his claim. The Deputy Director of Education shall hear the petitioner and shall also obtain the say of the management and the Education Officer and take decision as to whether the appointment of the petitioner was approved and the entitlement of the petitioner for salary if, at all, the petitioner has worked. The said decision be taken expeditiously and preferably within a period of six (06) months from the date the petitioner approaches the Deputy Director of Education.

9. Writ petition is disposed of. No costs.

10. In view of disposal of writ petition, civil application does not survive, as such, civil application is also disposed of.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.