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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 926 OF 2021

Kotibhaskar Supriya Sudhir

...Petitioner

Versus

Govt. of Maharashtra thru Director of
Education & Ors.

...Respondents

Mr. K.P. AnilKumar with Priyanka Kumar for the Petitioner.
Ms. P.N. Diwan, AGP for the Respondent No.1 – State.
Mr. Rahul Nerlekar, for Respondent Nos.2 and 3.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.
DATE : 16 July 2021

ORDER :

1. Mr. Anilkumar learned Counsel for the Petitioner submits that the Petitioner has not received the legal dues i.e. payment of arrears of salary and gratuity by the Respondents as per Vth and VIth pay commission recommendations and also in compliance with the Government Resolution dated 21st May, 2010. Learned Counsel for the Petitioner further states that due to the intervention of the Director of Education, the salary has been paid as per Vth and VIth Commission to various

similarly situated parties. However, in this case the Director of Education has not exercised such powers.

2. Learned AGP for the Respondent No.1 states that there are no such averments made in the Petition stating that the Director of Education has not intervened in this matter.

3. Heard learned Counsel for parties. In view of the statement made by the learned Counsel for the Petitioner and by consent of the parties, we direct the Director of Education to intervene in the matter and pass an appropriate order after hearing the Petitioner and Respondent Nos.2 and 3 regarding arrears of salary and gratuity claimed by the Petitioner as per recommendation of Vth and VIth pay Commission and also as per Government Resolution dated 21st May, 2013.

4. The Petitioner as well as Respondent Nos.2 and 3 are allowed to file brief written submission / representation before the Director of Education within one week from today with a copy to be served upon other side in advance. The Director of Education shall pass an order within four weeks from the date of hearing. The Petitioner as well as Respondent Nos.2 and 3 are directed to appear before the Director of

Education on 2nd August, 2021 at 11.00 a.m. If the date given by this Court is not convenient to the Director of Education, the Director of Education shall convey the early convenient date to the said parties with three days advance notice before the date of hearing.

5. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of the parties are kept open. The Director of Education shall convey the order passed by him to the Petitioner and Respondent Nos.2 and 3 within one week from the date of passing of such order. If the order that would be passed by the Director of Education is adverse against the Petitioner or Respondent Nos.2 and 3, the aggrieved party is at liberty to file appropriate proceedings.

6. The Writ Petition is disposed of in above terms. No order as to costs.

[R.I. CHAGLA J.]

[R.D. DHANUKA, J.]