

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

57 WRIT PETITION NO.1203 OF 2022

**UMESH RUPSINGH RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.V.S. Panpatte, Advocate for the petitioner.

Mr.A.R. Kale, AGP for the respondent/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATED : 11.07.2022

PC :-

01. The petitioner has putforth prayer clauses “B” and “C” as under :-

“B) By issue of Writ of Mandamus or any other Writ or directions in like nature, the Respondent No.2 Education Officer (Secondary) Zilla Parishad Hingoli, may kindly be directed to see that, the petitioner will get the salary according to the pay scale for the period from 20.6.2011 to 31.8.2016 and 80% salary for the period from 1.9.2016 to June 2021 from the respondent no.3 and 4 with interest thereon.

C) By issue of Writ of Mandamus or any other Writ or Directions in like nature, the Respondent No.3 and 4 may kindly be directed to pay the arrears of salary for the period from 20.6.2011 to 31.8.2016 and 80% salary for the period from

1.9.2016 to June 2021 with interest thereon within stipulated period.”

02. The learned AGP submits that the approval granted to the petitioner, copy of which is placed at page Nos.20 and 21, dated 19.06.2014, is purely on no-grant basis. If the private management has not paid salary to the petitioner, the petitioner can get such amount recovered.

03. The learned Advocate for the petitioner submits that now the management has got 20% grants. 80% salary is to be paid by the management.

04. The petitioner seeks issuance of a Writ of mandamus. Such writ could be issued to an authority, which falls within Article 12 of the Constitution of India. If a private management is depriving the petitioner of that component of the salary, which the Government is not obliged to pay, this Court cannot issue directions to the Government to make such payment, which is to be recovered by the petitioner from the private management.

05. In view of the above, this petition is disposed off. The petitioner is at liberty to seek recovery of salary from the private management by initiation of a recovery suit. All the contentions are kept open.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]