

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

**CIVIL APPLICATION NO.1284 OF 2022
(For intervention)
IN WP/13352/2021**

**NATIONAL WELFARE TRUST BEED THROUGH ITS
PRESIDENT MOHD. SIRAJUDDIN SAFDAR ALI AND
ANOTHER
VERSUS
SHAIKH MOHAMMAD ILIYAS MOHAMMAD ISAQ AND
OTHERS**

**WITH
CIVIL APPLICATION NO.8469 OF 2022
(For interim relief)
IN WP/13352/2021**

**WITH
WRIT PETITION NO.13352 OF 2021**

**SHAIKH MOHAMMAD ILIYAS MOHAMMAD ISAQ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Applicants in CA 1284/2022 : Dr. R.J. Godbole
Advocate for the Applicant in CA 8469/2022 and the original
petitioners : Shri S.S. Thombre
AGP for Respondents 1 to 3 : Mrs.M.A. Deshpande
Advocate for Respondents 4 and 5 : Shri P.D. Suryawanshi
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**CORAM : RAVINDRA V. GHUGE
&
SANDIPKUMAR C. MORE, JJ.**

DATE :- 10th June, 2022

Per Court :-

1. In the Civil Application seeking interim relief, filed by the petitioner, it is canvassed that though he is the senior-most eligible teacher, who has been appointed as an In-charge Headmaster and is approved by the Education Officer, his salary has not been released.

2. The learned advocate for the intervenor submits that the Management has not forwarded the proposal for appointment of the petitioner as an In-charge Headmaster.

3. In view of the above, we deem it appropriate to dispose off Civil Application No.8469/2022 (for interim relief) by directing the concerned Education Officer to consider the entire record available with him and/or call for the record from the school in the event of there being any deficit in the record and then consider grant of salary to the petitioner, provided he is discharging his duties as an In-charge Headmaster and that there is no other legal impediment. So also, to the extent of the unpaid salary of the Assistant Teacher, namely, Smt.Kashifa Kausar, the Education Officer would consider the record within the framework of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981 and if convinced, pass a reasoned order for grant of salary. We

expect that such orders would be passed on or before 24.06.2022.

4. We make it clear that we have not expressed any opinion about the merits of the matter.

5. Insofar as Civil Application No.1284/2022 seeking intervention is concerned, same shall be listed on 01.07.2022.

kps (SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)