

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

**CIVIL APPLICATION NO.15722 OF 2022
IN WP/14761/2019**

**MANISHA NARENDRA KHANJODKAR
VERSUS
THE STATE OF MAHRASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Applicant : Ms.Mahajan Surekha P.
AGP for Respondents 1 and 2 : Shri S.K. Tambe
Advocate for Respondents 3 and 4 : Shri Girish Rane

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 07th December, 2022

Per Court :-

1. We have considered the strenuous submissions of Ms.Mahajan, the learned advocate for the applicant, the learned AGP and Shri Rane, the learned advocate on behalf of respondent Nos.3 and 4. Considering the issue that we are deciding today and which decision would not affect respondent Nos.5 to 11, that we are not issuing notice to these respondents.

2. Suffice it to say that the petitioner is before this Court in Writ Petition No.14761/2019 in relation to her seniority vis-a-vis Sau.Chaya Arun Patil. The decision in the said matter

would decide as to who gets salary from the grants in aid, earlier than the other. That issue will have to be considered in the writ petition.

3. The issue that needs to be considered today is that the applicant has not received salary from August, 2019. By order dated 05.04.2022 passed by the Education Officer (Secondary), she is entitled for 40% salary scale from the grants in aid with effect from 01.11.2020. It is well settled that the remainder portion of her salary is to be paid by the Management. In future, if she succeeds in her writ petition and is held entitled for salary through grants in aid and if she receives such salary from the Government for the period for which she has received salary from the Management, she would refund the Management's contribution through her salary that would be paid to her from the grants in aid.

4. In view of the above, this Civil Application is disposed off with the following directions:-

(a) The Deputy Director of Education, Nashik Region, Nashik, shall pass appropriate orders, on or before 31.12.2022, to include the name of the applicant/ petitioner in the Shalartha Pranali so as to render her eligible for 40% salary from the grants

in aid with effect from 01.11.2020.

(b) The remainder salary would be paid by the Management.

(c) The Management shall pay the salary to the petitioner for the period August, 2019 till 31.10.2019, if not already paid.

(d) Let compliance of the above directions be made on or before 30.01.2023.

(e) Considering the above directions, in the event the applicant/ petitioner succeeds in Writ Petition No.14761/2019 and is held entitled for payment of salary through grants in aid and if there is overlapping of such payments through grants in aid and the amount that would now be paid by the Management in the light of the above directions, the applicant/ petitioner shall refund the amount received from the Management, within eight weeks from the decision in the writ petition. Let an affidavit-undertaking to this extent be filed by the applicant/ petitioner with respondent No.3/ Management, on or before 21.12.2022.