

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

908 REVIEW APPLICATION (CIVIL) NO.51 OF 2022
WITH
CIVIL APPLICATION NO.1068/2022
IN
WRIT PETITION NO.13056/2019

THE SECRETARY SHRI DNYANESHWAR SHIKSHAN SANSTHA
AND ANOTHER
VERSUS
THE JOINT DIRECTOR VOCATIONAL EDUCATION AND TRAINING
REGIONAL OFFICE AND OTHERS

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Advocate for Applicants : Mr. V. D. Salunke
AGP for Respondents State: Mr. N. T. Bhagat
Advocate for Respondent No.3 : Mr. V. V. Bhavthankar

CORAM : RAVINDRA V. GHUGE, J.
DATE : 11th March, 2022

ORDER:

1. By this review application, the applicant seek review of Paragraph No. 8 of the order dated 17th October, 2019 passed by this Court in Writ petition No. 13056 of 2019.

2. I have considered the strenuous submissions of the learned advocates for the respective sides. The original petitioner is represented by the learned A.G.P.

3. Paragraph No. 8 of the order dated 17th October, 2019 with regard to which the present review applicant made a request for review, reads as under:

"8. It is settled position of law that any educational institution which receives salary grants in aid, has to forward proposals for payment of salaries as per the rules. Such proposal has to be accepted by the appropriate authority of the Government and once such an approval is granted, the payment is made through the salary accounts. If the approval is refused, the said payment will have to be made by the Management which had engaged the employee ."

4. The grievance of the review petitioner is that the Institution is grant-in-aid. The Education Officer has to clear the bills of the teaching and non-teaching staff from the salary grant. Though it is a settled position of law that if, for any legal impediment, the salary of a particular employee is not cleared and the Management desires to continue the employee in service, the salary will then have to be paid by the Management. However, Mr. Salunke, the learned Advocate rightly submitted that this is not the issue before the Court and with such observation, the Education Officer would venture into rejection of bills of salaries on the pretext that this Court has permitted him to reject such bills. The Management will then be taxed on this count when salary bills have to be cleared by the Education Officer since it is a grant-in-aid Institution.

5. The learned Advocate representing the original petitioner submits that there may be a case, wherein there may be a legal impediment.

He may be right insofar as the principles of law are concerned. However, such a statement would be in a generalized form and may not apply to the case of the review applicant who was not even heard when the order dated 17th October, 2019 was passed.

6. In view of the above, this review application is allowed.
7. Paragraph 8 of the order dated 17.10.2019 stands deleted.
8. Paragraph Nos.9 to 16 are renumbered as paragraph Nos. 8 to 15.
9. The corrected copy of the order be uploaded.
10. Pending civil application does not survive and stand disposed off.

(RAVINDRA V. GHUGE, J.)

JPC