

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.1709 of 2017

Smt. Rohini Jayawant Belekar	...	Petitioner
v/s.		
The State of Maharashtra & ors.	...	Respondents

Mr. S.P. Rajepandhare i/b. Mr. Kashinath G. Rikame for the Petitioner.

Mr. S.B.Kalel, AGP for the State.

Mr. Abhijit Desai for Respondent No.5.

**CORAM : S.V. Gangapurwala &
Madhav J. Jamdar, JJ.**

27th July 2022

P.C.

The contention of the Petitioner is that the Petitioner is appointed in the year 1999, however, he is not paid salary since the date of appointment. The learned Counsel for the Petitioner submits that the Education Officer had also issued a letter that the Petitioner is entitled for the salary in the pay-scale of 9300-38400 from 16th December 2010.

2. The learned Advocate for the Respondent-Institution submits that the Petitioner was paid Rs.9300/- per month from the date of appointment i.e. 16th December 2010. The Petitioner is not attending the school from 19th October 2016.

3. The learned Counsel for the Respondent-Institution has placed on record the extract of Muster and audited Statement of Account.

4. The disputed question of fact exist. The Petitioner may file an application with Respondent No.3-Dy. Director of Education with regard to her pay alongwith necessary documents. The Dy. Director of Education shall after hearing the Petitioner and Respondent No.5 take decision with regard to the amount of salary payable by Respondent No.5 to the Petitioner and amount of salary unpaid to the Petitioner. The said decision shall be taken by Respondent No.3 after hearing Petitioner and Respondent No.5 preferably within four months from the date the Petitioner makes the application.

5. With aforesaid observations, Writ Petition stands disposed of. No order as to costs.

(Madhav J. Jamdar, J)

(S.V.Gangapurwala, J)