

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

**WRIT PETITION NO.8948 OF 2013
WITH
INTERIM APPLICATION NO. 132 OF 2020
IN
WRIT PETITION NO.8948 OF 2013**

Balkrishna Mahadeo Yelpale & Ors.

.. Petitioners

vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Y. B. Lengare a/w. Adv. Anil Wagh for Petitioners.

Smt. A. A. Purav, AGP for the respondent nos. 1 to 9

Mr. Vishwasrao S. Deokar for the respondent nos. 10 & 11.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ**

DATED : 21st DECEMBER, 2022

P.C.:

1. Heard respective counsels.
2. The challenge in the petition is to the Government Resolution dated 22/05/2008, the consequential communication dated 29/08/2013 issued by the respondent nos. 1 to 3-said authority.
3. It is the case of the petitioners that the petitioners were declared surplus. They being permanent employees, pursuant to the provision of the rule 26 of MEPS Rules, though the services were absorbed in other institutions, the outstanding salary for the

period for which they were not granted posting i.e. 01/12/2013 to 01/09/2014 is not released till this date. According to the petitioners, once they are approved teachers working in grand-in-aid school, it is necessary for the authorities to release their salary even if they are declared surplus.

4. As such, it is claimed that since the other reliefs in the petition are already rendered infructuous because of order of their absorption, the directions needs to be issued to the respondent no. 3 i.e. Joint Director of Vocational Education to look into the said grievance as regards release of arrears of salary.

5. Learned AGP and learned counsel for the respondent-management would urge that the Court in the facts and circumstances may pass an appropriate order.

6. The fact that the services of the petitioners were absorbed after they were declared surplus can be established from the records and the same is not disputed by the petitioners. The only issue pertains is to the release of salary of the petitioners for a period from 01/12/2013 to 01/09/2014.

7. The grievance to the aforesaid extent as regards release of arrears of salary is concerned, once the respondent no. 3 being competent authority, can be directed to look into the same. If the

respondent no. 3 before whom the petitioners agreed to appear on 18/01/2023 is satisfied about the entitlement of the claim of the petitioners, it is open for him to order release of such salary of the petitioners at its level and if not, if so desired may get appropriate proposal to that effect from the employer.

8. In the aforesaid background, the petition stands disposed of.

9. The petitioners to appear before the respondent no. 3 on 18/01/2023 with detailed representation alongwith documents as to their entitlement for release of their arrears being surplus approved teachers for a period from 01/12/2013 to 01/09/2014.

10. The respondent no. 3, if so desired may call for appropriate proposal from the management or may take decision on its own directing release of arrears for aforesaid period in accordance with law. Let the aforesaid exercise be completed in any case by 30/04/2023.

11. Pending applications also stands disposed of.

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(SHARMILA U. DESHMUKH, J) (NITIN W. SAMBRE, J.)