

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

Writ Petition No. 11304 of 2015

Shri Rameshwar Shivram Kamble &
others ... Petitioners
v/s.
The State of Maharashtra & ors. ... Respondents

Mr. Dilip Bodake a/w. Mr. Sharad Bhosle for the Petitioners.

Mr. V.M.Mali, AGP for Respondent Nos. 1 to 3.

Mr. Mandar V. Limaye a/w. Mr. Vaibhav P. Patankar i/b. Patankar &
Associates for Respondents 4 and 5.

LATA
SUNIL
PANJWANI
Digitally
signed by
LATA
SUNIL
PANJWANI
Date:
2022.04.06
11:37:59
+0530

**CORAM : SUNIL B.SHUKRE &
G.A. SANAP, JJ.**

29th March 2022

P.C.

We have heard this matter quite extensively. What we find here is a dispute between the Petitioners and the management i.e. Respondent Nos. 4 and 5 as regards the nature of services rendered by these Petitioners. According to Petitioners, they rendered their services on full time basis, initially as Shikshan Sevak and later on as Assistant

This order is corrected vide speaking to minutes order dated 4.4.2022 and corrections are shown in bold in paragraphs 2 and 3.

Teacher while the Respondent Nos. 4 and 5 contend that the Petitioners were appointed on clock hour basis and the College has also been closed from the year 2017 and, therefore, the only issue that may remain here is about payment of salary to the Petitioners on clock hour basis for the period from 2015 to 2017.

2. In our view even for deciding the issue of payment of salary, it would be necessary to first resolve the dispute about the nature of services rendered by the Petitioners and in our view, this can be appropriately considered, especially when this dispute involves disputed questions of facts, by the **Dy. Director of Education** i.e. **Respondent No.2** to whom two representations were made by the Petitioners earlier.

3. In view of the above, we direct **Respondent No.2** to decide the representations dated 24th July 2015 and 16th September 2015 sent to him by the Petitioners, in accordance with law and at the earliest preferably within three months from the date of appearance of Petitioners and Respondent Nos.4 and 5. In order to facilitate the enquiry and the decision by the **Respondent No.2**, Petitioners would be at liberty to file copies of their representations dated 24th July 2015 and 16th September 2015 once again before **Respondent No.2**. The Petitioners and Respondents would also be at liberty to file the relevant

documents before the **Dy. Director of Education.**

4. Parties to appear before the Dy. Director of Education- Respondents No.2 on 11th April 2022.
5. The Petition is disposed of in the above terms. No costs.
6. All questions are kept open.

(G.A.SANAP, J)

(SUNIL B.SHUKRE, J)

Lata Panjwani, P.S.