

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.2256/2021

Jivan Vikas Shaikshanik Vvaidyakiya, Krida Va Sanskrutik Bahuuddeshiya Sanstha,
Malkapur through its Secretary and anr.

Vs.

Deputy Director of Education, Amravati Division, Amravati and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. S.Patil, Advocate for petitioners.

Shri N. R. Patil, Assistant Government Pleader for respondent nos.1 and 2.

CORAM :- A.S.CHANDURKAR AND SMT. M.S.JAWALKAR, JJ.

DATE :- MARCH 25, 2022.

The petitioner-Management has challenged the order dated 12.02.2019 passed by the Deputy Director of Education, Amravati Division, Amravati requiring the Management to pay salary to the respondent no.3 for the period from 27.07.2018 to 15.10.2018 when his services came to be terminated.

The respondent no.3 who was in employment with the petitioners was placed under suspension after seeking permission of the Education Officer. Such permission was granted on 23.03.2018 and accordingly from 26.03.2018 the respondent no.3 was placed under suspension. Since the enquiry could not be completed within a period of four months, the Management sought extension of the aforesaid period by its application dated 11.06.2018. The petitioners were informed that the proposal for such extension has to be made through the Education Officer and accordingly the same was done by the petitioners. On that proposal the Education Officer made a request to the Deputy Director of Education to grant post facto extension for a period of two months. By the impugned order dated 12.02.2019 post facto sanction granting extension for three months was ordered subject to the Management paying the salary of the respondent no.3. Being aggrieved the said order has been challenged in this writ petition.

After hearing the learned counsel for the parties, we find that a somewhat similar prayer was made by the petitioners in Civil Application (CAW) No.86/2020 by seeking clarification of the judgment in Writ Petition No.7951/2018. This Court however on 12.03.2021 directed the Management to pay salary for the aforesaid period. Though the learned counsel for the petitioner submits that the order dated 12.02.2019 passed by the Deputy Director of Education was not before the Court when that civil application was decided, we find that the prayer made by the petitioners having been considered and the petitioners thereafter having been directed to pay such salary, it would not be permissible to re-open the said issue.

In that view of the matter, we find no reason to entertain the writ petition. It is accordingly dismissed. No costs.

(SMT. M.S.JAWALKAR, J.)

(A.S.CHANDURKAR, J.)

Andurkar..