

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

WRIT PETITION NO.2722 OF 2021

Rizwanuddin s/o Luqmanuddin,
aged about 33 years, occupation :
service, r/o Ward No.4, Dahihanda,
Akola, Taluq and District Akola.

... Petitioner

- Versus -

- 1) The State of Maharashtra, through its Principal Secretary, Department of School Education, Mantralaya, Mumbai – 32.
- 2) The Director of Education (Primary), Maharashtra State, Central Wing, 1st Floor, Dr. Annie Besant Road, Pune.
- 3) The Deputy Director of Education, Amravati Division, Amravati.
- 4) The Education Officer (Primary), Zilla Parishad, Yavatmal.
- 5) The Superintendent (Primary Education), Pay Unit and Future Disbursement Office, Yavatmal.
- 6) Millat Education Society, (Talegaon) Darwaha, District Yavatmal, through its President Muhammad Ilyas, aged about 58 years, r/o Railway Station Road, Darwaha, Taluq Darwaha, District Yavatmal.

7) Manikrao Thakre Urdu Upper
Primary School, Darwha, through
its Headmaster Sumaiya Sadaf
Mohd. Ilyas, aged about 30 years,
occupation : service, r/o Railway
Station Road, Darwha, Taluq
Darwha, District Yavatmal.

... Respondents

Mohd. Bashit s/o Mohd. Shafi,
aged about 61 years, occupation :
Retired, r/o Railway Station Road,
Millat Campus, Darwha, Taluq
Darwha, District Yavatmal.

... Intervener
Applicant

Shri A.I. Sheikh, Advocate for petitioner.

Shri M.K. Pathan, Assistant Government Pleader for
respondent nos.1 to 3 and 5.

Shri T.U. Tathod, Advocate for respondent no.4.

Shri Sayed Shahid, Advocate for respondent nos.6 and 7.

Shri A.S. Dhore, Advocate for intervener.

CORAM : DIPANKAR DATTA, C.J. AND
NITIN W. SAMBRE, J.

DATED : SEPTEMBER 6, 2022

P.C. :

CIVIL APPLICATION NO.828 OF 2022

This is an application seeking intervention in the
matter.

2) The applicant claims to be founder member of the education Society and intends to oppose the prayer of the petitioner for release of salary.

3) Considering the pleadings in the application, we are of the view that applicant lacks locus to intervene in the matter as the Society is already before this Court. That being so, the application stands rejected for want of locus.

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This petition is by the employee of the respondent nos.6 and 7, i.e. Society and School respectively seeking disbursement of salary.

2) The respective Counsels for the parties are in agreement that the issue raised in the petition is covered by the order of this Court passed on 11/8/2022 in Writ Petition No.5512/2018.

3) As such, for the reasons recorded in the aforesaid order dated 11/8/2022 passed in Writ Petition No.5512/2018, the present petition also stands allowed. The respondent no.5 is directed to take necessary steps so as to ensure release of salary to the petitioner with effect from 1st July 2017 i.e. date of appointment. Let the

process be completed within a period of eight weeks from the date of production of copy of this order.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)

khj