

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.2235 OF 2017
WITH
CA/11218/2022 IN WP/2235/2017
WITH
CA/6637/2022 IN WP/2235/2017**

Shivram s/o Wamanrao Ubale ... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Principal Secretary
School Education Department,
Mantralaya, Mumbai-32.
2. The President/Secretary
Siddharth Education Society,
Shivneri Nagar, G-1/205,
N-7, CIDCO, Aurangabad
Tq & Dist. Aurangabad.
3. The Head Master,
Boudhi Primary School,
Misarwadi, Aurangabad
Tq & Dist. Aurangabad.
4. The Education Officer (Primary)
Zilla Parishad, Aurangabad

... **RESPONDENTS**

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Advocate for Petitioner : Mr. Salgare Vitthal G.
AGP for Respondent/State : Mr. A.S. Shinde
Advocate for respondent Nos.2 and 3 : Mr. PK. Nikam
Advocate for respondent No.4 : Mr. U.B. Bondar

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 07.08.2023

PER COURT :

Heard the learned advocate for the petitioner, the learned advocate for respondent Nos.2 and 3 i.e. Management and the Headmaster. We have also heard the learned advocate who appears for the respondent - Zilla Parishad and its Education Officer (Primary).

2. It appears that the petitioner and the Management have entered into some kind of settlement they have tendered across the bar the terms of settlement.

3. We had extended an opportunity to the learned advocate for the respondent – Zilla Parishad and its Education Officer to go through the contents of the terms of settlement and to take a stand.

4. Pursuant to our direction, the learned advocate for the respondent – Education Officer, on written instructions, submits that the Education Officer has an objection to the extent the petitioner and the Management are now seeking to draw salary of the petitioner for the period 01.12.2016 to 30.04.2022, to which, according to the learned advocate, the petitioner and the Management have no right to seek the salary to be disbursed by the Zilla Parishad.

5. The learned advocates for the respective parties unanimously submit that keeping open the issue regarding entitlement of the petitioner and the Management to have the salary from the Zilla Parishad, the matter can be disposed of in terms of the settlement.

6. In view of such understanding, the writ petition is disposed of

in terms of the settlement which is placed on record and marked 'X' for the purpose of identification, however, keeping open the right of the respondent – Education Officer (Primary) to take appropriate decision in respect of the salary bills to be submitted to him in respect of the petitioner's salary for the period of 01.12.2016 and 30.04.2022.

7. Pending applications are disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)