

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

954 WRIT PETITION NO.7025 OF 2023

**AMRATRAO JAYWANTRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

...

Advocate for Petitioner : Mr. Sachin Deshmukh h/f Panpatte V. S.
AGP for Respondents/State : Mr. A.A. Jagatkar

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 30.06.2023

PER COURT :

Heard.

2. The petitioner is before us having been called upon to deposit an amount of Rs. 16,58,837/- allegedly recovered by him as a headmaster of the school being run by the respondent No. 4 for a period between 28.10.2020 and 30.11.2021, by the impugned communication dated 18.05.2023. It is apparent that by the communication dated 31.01.2022 the Education Officer (Secondary)-respondent No. 2 had granted approval to the reinstatement of the petitioner on the post of headmaster, however, expressly indicating that he would not be entitled to claim salary and allowances for the aforementioned period.

3. Learned advocate Mr. Deshmukh for the petitioner tenders across the Bar the communication dated 30.06.2023 whereby the respondent No. 2- Education Officer (Secondary) has now asked the petitioner to refund that amount in five installments. The learned advocate, on instructions, would submit that the petitioner is ready to deposit such installments. He submits that since the petitioner is now ready to deposit the amount nothing survives in the petition and it may be disposed of without prejudice to his rights to

question the recovery.

4. The Writ Petition is dismissed as withdraw with liberty as prayed for.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-