

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

953 WRIT PETITION NO.12952 OF 2022

**SHAIKH GULAB SHAIKH MUNIR
VERSUS
THE STATE OF MAHARASHTRA DEPARTMENT OF EDUCATION AND
OTHERS**

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Mr. Amol A. Kokad a/w Mr. P. A. Pangal, Advocates for Petitioner
Mr. P. K. Lakhotiya, AGP for Respondents State
Mr. K. D. Pote, Advocate for Respondent No.4

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 14th September, 2023

ORDER:

1. Leave to add Superintendent of Pay and GPF Unit, Jalna as Respondent No.5. Addition be carried out forthwith. Issue notice to the added Respondent. We call upon the learned AGP to cause an appearance on behalf of the statutory authority.
2. There are innumerable disputed issues in this Petition. To begin with, after the Petitioner is dismissed from service on account of proved misconduct, his proceedings are pending before the School Tribunal. Until the same are decided, further orders in relation to his services, cannot be passed.
3. The issue brought before us is only with regard to non-submission of a proposal for non refundable General Provident Fund

to the Superintendent of Pay and GPF Unit, Jalna who is now arrayed as Respondent No. 5, by Respondent No.4 Headmaster.

4. The learned Advocate representing Respondent No.4 submits that the Petitioner is under a loan and the loan amount is not being repaid. The learned Advocate for the Petitioner submits on specific instructions that the Petitioner's outstanding loan amount till September, 2023, which is Rs.3,35,593/- can be deducted from the non refundable GPF accumulation and rest of the amount can be paid to the Petitioner.

5. In view of the above statement, **this Petition is disposed off** with a direction to Respondent No.4 to prepare the calculations and allot Rs. Rs.3,35,593/- towards the repayment of the loan and forward the proposal to Respondent No. 5. We direct Respondent No. 5 to debit Rs.3,35,593/- and transfer the said amount to the Headmaster. The Headmaster shall then deal with the two recovery heads at Sr Nos. 2 and 3 set out in the proposal dated 06.09.2023 and satisfy those heads.

6. The loan amount of Rs.3,21,593/- along-with interest shall then be paid to the Patsanstha by the Headmaster.

7. After all these payments are cleared, the Education Officer would call for a report from the Headmaster who will submit the same

within 7 days of clearing all these payments. Thereafter, the amount payable to the Petitioner would be cleared.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan