



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

WRIT PETITION NO.14877 OF 2023

**MAHENDRA PANDHARINATH MENDHE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

....
Mr. Akash R. Ingle, Advocate h/f Mr. S. N. Ahire, Advocate for
Petitioner

Mr. P. S. Patil, AGP for Respondent – State

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.12.2023

PER COURT :-

1. The only prayer put forth by the Petitioner is that Respondent No.4 has withheld his salary from 14.08.2022 till 31.10.2022 and he should be paid the salary along with 18% interest.

2. The learned Advocate for the Petitioner submits that Respondent No.4 is the Head Master of the school operated by Respondent No.3, which has salary grants. The Petitioner is working as a Junior Clerk.

3. Since the Petitioner claims that the school receives salary grants and no employee can be forced to discharge duty without salary, we call upon the Education Officer (Secondary), Respondent No.2 herein to look into the grievance of the Petitioner. If Respondent No.2 comes across a situation wherein the management claims that the Petitioner himself was not working during the said period, we leave it to the management to conduct an inquiry as regards the said aspect and in which case the Petitioner would render cooperation wholeheartedly. If there are any other serious allegations, the management may include them in the charge sheet, provided they are not stale charges. If it is noticed that the Petitioner is not at fault and is entitled for the salary, the management would thereafter pay the salary to the Petitioner along with interest at the rate of 6% p.a.

4. With the above directions, **the Writ Petition is disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS