

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

WRIT PETITION 4657 OF 2015

with

WRIT PETITION 4658 OF 2015

with

WRIT PETITION 4674 OF 2015

WRIT PETITION 4657 OF 2015

Shri Sunil s/o. Sadashiv Ghawale,
age 40 years, Occ. Service,
r/o. Mu. Bramhi, Post Masal,
Tahsil Pauni, District Bhandara-441 908

..Petitioner

...Versus.....

1. The State Government,
through its Principal Secretary,
Education Department,
Maharashtra State, 108,
First Floor, Mantralaya Extension,
Mantralaya, Mumbai

2. The State Government
through its Principal Secretary,
Social Welfare Department,
316, 3rd Floor, Mantralaya Extension,
Mantralaya Mumbai 32

3. The Project Director-
cum Coordinator,
Maharashtra/Rashtriya Madhyamik
Shiksha Abhiyan, Jawahar Bal Bhavan,
1st Floor, Netaji Subhash Marg,
Charni Road (West)
Mumbai 400 004

4. Director, Primary Education
(Integrated Disabled Education
Scheme Section) Maharashtra State,
Directorate of Education,
Dr. Annie Besant Marg,

Pune 411 001

5. Dy. Director, Amravati Division,
Education Department,
Government of Maharashtra,
Morris College Compound,
T Point, Civil Lines, Nagpur

6. Education Officer (Secondary Education),
Zilla Parishad, Bhandara

7. President, Vainganga Shikshan Sanstha,
Tahsil Pauni, District Bhandara

8. Head Mistress,
Vainganga Vidyalaya,
Tahsil Pauni,
District Bhandara, 441 910

9. Rashtriya Madhyamik Shikshan Abhiyan,
Ministry of Human Resource
Development Department of School,
Education and Literacy,
Shastry Bhawan,
New Delhi 110 001

10. Union of India, through
its Principal Secretary, Ministry of
Human Resource Development,
Govt. of India, Shastri Bhawan,
New Delhi.

.....Respondents

WRIT PETITION 4658 OF 2015

Mr. Rajesh s/op. Nivrutti Borle,
age about 40 yrs, occ. Service,
R/o. Bhattalnagar,
Tahsil Murtizapur, Akola 444 107

...Petitioner

...Versus.....

1. The State Government,
through its Principal Secretary,

Education Department,
Maharashtra State, 108,
First Floor, Mantralaya Extension,
Mantralaya, Mumbai

2. The State Government
through its Principal Secretary,
Social Welfare Department,
316, 3rd Floor, Mantralaya Extension,
Mantralaya Mumbai 32

3. The Project Director-
cum Coordinator,
Maharashtra/Rashtriya Madhyamik
Shiksha Abhiyan, Jawahar Bal Bhavan,
1st Floor, Netaji Subhash Marg,
Charni Road (West)
Mumbai 400 004

4. Director, Primary Education
(Integrated Disabled Education
Scheme Section) Maharashtra State,
Directorate of Education,
Dr. Annie Besant Marg,
Pune 411 001

5. Dy. Director, Amravati Division,
Education Department,
Government of Maharashtra,
Amravati.

6. Education Officer (Secondary Education),
Zilla Parishad, Akola

7. President, Bhartiya Shiksha Mandal
Samatanagar, Tahsil Murtizapur,
District Akola 444 107

8. Head Mistress,
Bhartiya Dnyanpeeth Vidyalaya
and Junior College, Samtanagar,
Tahsil Murtizapur,
District Akola 444 107

9. Rashtriya Madhyamik Shikshan Abhiyan,
Ministry of Human Resource
Development Department of School,
Education and Literacy,
Shastry Bhawan,
New Delhi 110 001

10. Union of India, through
its Principal Secretary, Ministry of
Human Resource Development,
Govt. of India, Shastri Bhawan,
New Delhi.

.....Respondents

WRIT PETITION 4674 OF 2015

1. Mrs. Rohini w/o. Kesho Agasti,
age about 45 yrs, Occ. Service,
R/o. Wanjari Nagar, Nagpur

2. Mrs. Mukta w/o. Nikhil Abhyankar,
age about 35 yrs, Occ. Service,
R/o. 164, Siddesh Apts, 1st Floor,
Abhyankarnagar, Nagpur 440 010

....Petitioners

...Versus.....

1. The State Government,
through its Principal Secretary,
Education Department,
Maharashtra State, 108,
First Floor, Mantralaya Extension,
Mantralaya, Mumbai

2. The State Government
through its Principal Secretary,
Social Welfare Department,
316, 3rd Floor, Mantralaya Extension,
Mantralaya Mumbai 32

3. The Project Director-cum Coordinator,
Maharashtra/Rashtriya Madhyamik Shiksha Abhiyan, Jawahar Bal Bhavan,
1st Floor, Netaji Subhash Marg,
Charni Road (West)
Mumbai 400 004
4. Director, Primary Education
(Integrated Disabled Education Scheme Section) Maharashtra State,
Directorate of Education,
Dr. Annie Besant Marg,
Pune 411 001
5. Dy. Director, Nagpur Division,
Education Department,
Government of Maharashtra,
Civil Lines, Nagpur 440 001.
6. Education Officer (Secondary Education),
Zilla Parishad, Civil Lines, Nagpur 440 001
7. President, Tilak Vidyalaya,
Central Park Road,
Dhantoli, Nagpur 440 012
8. Head Mistress,
Tilak Vidyalaya Madhyamik Shala,
Central Park Road,
Dhantoli, Nagpur 440 12.
9. Rashtriya Madhyamik Shikshan Abhiyan,
Ministry of Human Resource
Development Department of School,
Education and Literacy,
Shastry Bhawan,
New Delhi 110 001
10. Union of India, through
its Principal Secretary, Ministry of
Human Resource Development,
Govt. of India, Shastri Bhawan,

New Delhi.

.....Respondents

Mr. A.R. Deshpande, counsel for petitioners.

Mrs. K.R. Deshpande, AGP for respondents 1,2,4,5,6/State.

Mr. S.U. Waghmare, counsel for respondents 7 & 8
in WP 4657/2015

Mr. V.U. Waghmare, counsel for respondents 7 & 8
in WP 4658/2015

Mrs. Mugdha Chandurkar, counsel for respondents 9 & 10.

CORAM: ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.

DATE: 03.05.2023

JUDGMENT : (PER ROHIT B. DEO, J.)

Heard.

2. Rule. Rule made returnable forthwith. With consent,
heard finally.

3. The common grievance in the petitions is that the salary
is withheld from March 2013.

4. It is common ground, that during the pendency of the
petition, the petitioners have been paid salary till April 2022.

5. The entitlement of the salary for the subsequent period
is not in dispute.

6. As a fact, the learned Assistant Government Pleader Mrs. K.R. Deshpande states that certain amounts are already deposited in the Registry of the Court. The learned counsel for petitioners would submit that the amount which is deposited in the Registry falls short of the salary receivable.

7. We have considered similar situation in Writ Petition 4274/2016 and disposed of the said petition by directing the State Government to release the arrears of salary, if there is no other impediment, within eight weeks.

8. The learned counsel for the petitioners Mr. A.R. Deshpande and the learned Assistant Government Pleader Mrs. K.R. Deshpande both state that these petitions can also be disposed of by issuing similar directions.

9. We therefore, permit the petitioners to withdraw the amount deposited by the respondents in the Registry of the Court.

10. Shortfall, if any, shall be paid by the respondents to the petitioners, if there is no other impediment, within the next eight weeks.

11. We further direct that the petitioners shall be paid regular salary from May, 2023 onwards.

12. Petitions are disposed of.

(Mrs. Vrushali V. Joshi, J.) (Rohit B. Deo, J.)

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