

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

Writ Petition No.234 of 2023

Ku. Chhaya Sukhdeorao Laybar

Versus

Mahatma Jyotiba Fule Education Society and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.S. Patil, Counsel for Petitioner.

Shri Ameya G. Moharir, Counsel, holding for Shri B.G. Kulkarni, Counsel for Respondent Nos.1 and 2.

Shri A.S. Fulzele, Additional Government Pleader for Respondent No.3.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MAY 2, 2023

P.C. :

1. **Rule.** Rule made returnable forthwith and heard the learned counsel appearing for the parties.

2. The petitioner, who is serving as Assistant Teacher at the respondent No.2- School, is aggrieved by non-release of her regular monthly salary from April 2022 onwards in the light of the communication dated 26-4-2022.

3. In the reply filed by the respondent Nos.1 and 2, it has been stated in Para 5 that in view of the Government Resolution dated 22-12-2021, it is mandatory for an employee to file an undertaking in the prescribed proforma. Since the petitioner has not submitted that undertaking, her salary has been withheld from April 2022. It has been further stated that on complying with the requirements of the said Government Resolution, there would be no impediment for releasing her salary.

4. In view of aforesaid, the writ petition is disposed of by passing the following order :

(i) The petitioner shall comply with the requirement of filing an undertaking as per the Government Resolution dated 22-12-2021 within ten days from today.

(ii) The respondent Nos.1 and 2 shall thereafter forward the salary bills of the petitioner to the respondent No.3- Education Officer (Secondary), Zilla Parishad, Washim.

(iii) On receiving such salary bills, the respondent No.3 shall release the salary of the petitioner, if there is no other impediment.

(iv) Needless to say that the respondent Nos.1 and 2 shall take necessary steps within a period of two weeks of receiving the petitioner's undertaking.

5. Rule is disposed of in above terms. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR