



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

913 WRIT PETITION NO. 3467 OF 2023

SUBHASH GANGADHAR GADHE

VERSUS

THE DEPUTY DIRECTOR OF EDUCATION AND ANOTHER

...

Shri Rodge Krishna Pratap, Advocate for the Petitioner.

Shri B.M. Dhanure, AGP for Respondent No.1/State.

Ms.Yogita Thorat, Advocate for Respondent No.2.

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 28th August, 2024

Per Court :-

1. The Petitioner had approached this Court after succeeding before the School Tribunal vide judgment dated 20.01.2018 in Appeal No.41/2013. Since the said judgment was not challenged, we had protected the services of the Petitioner.

2. Now, we are informed by the learned Advocate for the Respondent/ Zilla Parishad, that the Zilla Parishad has challenged the said judgment of the School Tribunal, in Writ Petition No.1145/2024. By order dated 01.04.2024, the payment of back wages has been stayed by the learned Single Judge

Bench. Prior thereto, the Petitioner has been reinstated in service in 2018.

3. Since a substantive petition with regard to the judgment of the School Tribunal is before the learned Single Judge and since all the contentions of both the litigating parties would be subject to the result of the petition before the learned Single Judge, the Petitioner would be at liberty to make a request before the learned Single Judge for unpaid salaries.

4. Insofar as the payment of salary pursuant to our order of this Court dated 29.03.2023 till today, the Education Officer (Primary) shall verify whether, the Petitioner is working and for the days he has worked, he would be paid the salary as per the admissible pay scale, keeping in view that he has tendered an affidavit undertaking dated 09.04.2023 (02 pages), which is marked as 'X' for identification.

5. Needless to state, since the entire issue with regard to the Petitioner's appointment process is now subject matter before the learned Single Judge in Writ Petition No.1145/2024,

the salary of the Petitioner from the date of the first order dated 29.03.2023 till today, shall be paid from the salary grants, subject to the above stated verification. If the learned Single Judge concludes that the Petitioner's approval was bogus and was a manufactured order, the undertaking tendered by the Petitioner would bind him to repay the money to the Department.

5. With the above observation, **this Writ Petition is disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)