



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO.12870 OF 2023

Ambaji Nagappa Khindiwale
Age: 36 years, Occu.: Service as
Assistant Teacher,
R/o. C/o. M. N. Patil Secondary School,
Belsangvi, Tq. Jalkot, Dist. Latur.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
School and Education Department,
Mantralaya, Mumbai-32
2. The Deputy Director of Education,
Latur Division, Latur,
Dist. Latur.
3. The Education Officer (Secondary)
Zilla Parishad, Latur,
Dist. Latur.
4. Satyshodhak Sikshan Sanstha,
Gudsur, Tq. Udgir, Dist. Latur,
Through its Secretary.
5. Late M. N. Patil Secondary School,
Belsangvi, Tq. Jalkot, Dist. Latur,
Through its Headmaster.

.. RESPONDENTS

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Mr. A. V. Patil Indrale, Advocate for the Petitioner.
Dr. K. B. Patil Bharaswadkar, AGP for Respondents Nos.1 to 3 – State.
Mr. D. B. Rode, Advocate for Respondent Nos.4 and 5.

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**CORAM : MANGESH S. PATIL AND
SHAILESH P BRAHME, JJ.**

DATE : 12 JUNE 2024

ORDER :-

The petitioner, who was appointed as Shikshan Sevak by the respondent – Management and whose appointment has been approved by the Education Officer with effect from 5 July 2014 is aggrieved by the fact that he has not been paid salary from 5 July 2017 to February 2020.

2. We have heard both the sides and perused the affidavit-in-reply filed by the Education Officer as well.

3. It appears that in spite of grant of approval to the appointment of the petitioner that too from the reserved category, the Education Officer is now entertaining some doubt. He has not taken any decision much less has reached any conclusion about the appointment of the petitioner being invalid. Rather, admittedly, he had granted approval to the petitioner's appointment way back.

4. Simultaneously, there is also no dispute about the fact that the petitioner was paid salary except for intervening period between 5 July 2017 and February 2020. He is also being paid salary for the subsequent period. It appears that labouring under some apprehension about the petitioner's initial appointment as he was resident of a village from the border dispute area, some opinion has been solicited from the Certificate Verification Scrutiny Committee, Aurangabad.

5. Suffice, for the purpose to observe that there is no dispute about the petitioner's initial appointment which was duly approved and he having been rendering services with the respondent - School. It seems except for the intervening period he was also paid and being paid salary. We see no impediment in allowing the writ petition and directing the respondents to take appropriate steps for paying arrears of salary for that period to the petitioner. Needless to state that if at all the Education Officer undertakes some inquiry and reaches some different conclusion going to the root of the petitioner's appointment, till the time, the petitioner would be entitled to receive the salary.

6. The Writ Petition is allowed.

7. The respondents are directed to take appropriate steps for paying the arrears of salary to the petitioner from 5 July 2017 to February 2020, as expeditiously as possible and in any case, within a period of eight weeks, failing which the amount shall carry interest at the rate of 9% per annum.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm