

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 7544 OF 2022

Kum. Mangal Atmaram Mokashi @ Sau. Mangal
Ravasaheb PatilPetitioner

V/S

The State Of Maharashtra And OrsRespondents

Mr. Shrirang Katneshwarkar i/b Mr. Vilas Panpatte for the Petitioner

Ms. Nisha Mehra, AGP for Respondent Nos. 1 to 3-State

Mr. N. V. Bandiwadkar, Senior Advocate i/b Adv. A. N. Bandiwadkar
for the Respondent Nos. 4 & 5.

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 21 MARCH, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioner was appointed as Assistant Teacher on 13 June 2005. The Petitioner was terminated from the service on 2 May 2009. Later on, in the proceedings that the Petitioner instituted, the Petitioner came to be reinstated in service on 29 December 2014. The Petitioner was paid back wages as per the order passed by the School Tribunal. The approval to the Petitioner's appointment was granted on 17 August 2020 and thereafter the Petitioner has been paid the salary from the salary grant till 31 July 2016.

3. It is for the salary of this period between 1 August 2016 to 31 December 2020 that the Petitioner is before us. During this period the Petitioner was working on the unaided post. According to the Petitioner for this period, the Respondent - Management has not paid the salary due.

4. The Petition is filed on 4 May 2022. The issue is between the Petitioner and the Management regarding the payment of salary. Even the dispute relates *qua* the Petitioner who worked on unaided post, the supervision of the Education Authorities in respect of the education imparted, the Education Officer and the Education Authorities of the State is not lost that is because every school, which is governed by the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Maharashtra Employees Of Private Schools (Conditions of Service) Regulation Rule, 1981 has to pay salary to its employees as per Schedule-C of the Rules.

5. We, therefore, permit the Petitioner to approach the Deputy Director, Education, Kolhapur with a grievance that is made in this Petition. The Deputy Director will look into the same and if it is found justified, issue necessary directions to the Respondent - Management after giving an opportunity to all concerned. Needless to state that if the Deputy Director opines that the Petitioner is entitled to the receipt of the amount, he will ensure that the same is enforced as adequate deterrent powers exist to enforce compliance.

6. The Writ Petition is accordingly disposed of.
7. The contention of the Respondents regarding limitation and the contention of the Petitioner regarding extension of limitation period are kept open.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)