



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

WRIT PETITION NO. 3577 OF 2024

Education Society Yavatmal and others ... Petitioners
- Versus -
The State of Maharashtra and others ... Respondents

Mr. B.G. Kulkarni, Advocate for Petitioners.
Mr. A.R. Chutke, AGP for Respondent Nos.1 to 4.

CORAM : NITIN JAMDAR AND
NITIN W. SAMBRE, JJ.

DATE : 13 September 2024.

P.C. :

Heard learned counsel for the parties.

2. The Petitioner-Management and the employees have filed this petition being aggrieved by the conditions stipulated in the order of approval dated 23 August 2023 and 22 June 2023, wherein though the Education Officer has granted approval to the Petitioner-employees as per the order passed by this court on 13 March 2023 in Writ Petition No.1201/2019, the salary is made payable from the date of the order i.e. 13 March 2023.

3. The learned counsel for the Petitioners submits that when approval is granted from the date of appointment, the payment of salary shall follow from the date of approval.

Learned counsel submits that there is no reason in the impugned order as to why the payment should be made from the order of this court.

4. Having granted approval from the date of appointment, ordinarily the payment of salary should be from the date of appointment, unless exceptional circumstances exists which are justifiable in law and facts. Since these circumstances are missing from the impugned orders, the impugned orders dated 23 August 2023 and 22 June 2023 to the extent of challenge are required to be quashed and set aside. Accordingly, the impugned conditions in the orders dated 23 August 2023 and 22 June 2023 are quashed and set aside.

5. We direct the Education Officer to reconsider its decision of directing payment of salary from 13 March 2023. If it is to be retained, then Education Officer will give specific reasons, after giving an opportunity to the Petitioners. If the Petitioners cite any decision of this Court, the Education Officer will deal with the same and any attempt to bypass or not refer the law so cited would be viewed seriously.

6. Let this exercise be completed within a period of four weeks from today. The Writ Petition is disposed of.

(NITIN W. SAMBRE, J.)

(NITIN JAMDAR, J.)