



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

WRIT PETITION NO. 1653 OF 2026

Manda Khushalrao Tahkik

VERSUS

The Chief Executive Officer And Another

Mr. A. S. Deshpande, Advocate for petitioner

Mr. R. S. Wani, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 12th March, 2026

PER COURT :-

1. Present petition has been filed to challenge the impugned order dated 28.01.2018 thereby denying the grant of salary to petitioner between 01.06.2017 to 31.01.2018 and also the release of two increment which ought to have been released on 01.07.2017 to 01.07.2018.

2. Heard learned Advocate for petitioner. He submits that the petitioner came to be appointed vide order dated 04.08.1995. Her date of birth is 01.06.1968, whereas the date of birth of her colleague Shri. Kishor Pandurang Supekar is 29.06.1975. They both came to be appointed on the same day; however, though the petitioner ought to have been considered as senior to Shri. Kishor Supekar, he has been shown as senior. Taking into consideration the seniority list of primary

teachers at Zilla Parishad level, the petitioner came to be declared as surplus. The Block Education Officer had prepared lists of surplus teachers in Shirur - Kasar Panchayat Samitee wherein she as well as Kishor Supekar were declared as surplus. The persons in the lists of surplus became liable to be transferred out of Shirur-Kasar Taluka. On account of availability of vacancy in Shirur-Kasar Taluka itself, Mr. Supekar came to be accommodated in that taluka and was not required to be absorbed elsewhere. However, the petitioner was then posted in Zilla Parishad Secondary School at Talwada, Tq. Georai. She had made representation for inadvertent mistake occurred in showing Joining date of Mr. Supekar and therefore, she was not allowed to be relieved from the school where she was working i.e., Zilla Parishad Primary C.P.S. Jamb, Tq. Shirur- Kasar. She continued to render her service till she was posted at Zilla Parishad, Primary School, Malewadi, Tq. Shirur-Kasar. The respondent No. 1 from the date of first absorption order i.e., 30.05.2017 till the incumbents join on the modified absorbed place, were directed to be treated on 'No Work No Pay'. The petitioner was relieved from the School, Z. P., C.P.S., Jamb on 31.01.2018 and thereafter, she resumed her duty on 01.02.2018 at the new post. Though she was served at Zilla Parishad, Jamb between 30.05.2017 to 31.01.2018, no salary was paid to her. She had made various representations from time to time however, they have fallen into depths. When the petitioner was working, there was

no question of 'No Work No Pay' principal to be applied in her case.

3. Here it is to be noted that this is clear and also undisputed that though the petitioner was appointed on 04.08.1995 and the seniority list might have been prepared from time to time as per the rules and regulations in MEPS Rules, objection has not been taken by the petitioner regarding seniority list. Documents supporting this aspect have not been produced on record and therefore, we are making this statement. It appears that in 2017, list of surplus teachers from Shirur-Kasar Panchayat Samitee was prepared in which the name of the petitioner was reflected. She has not challenged the said order till the filing of the present petition. Thereafter there is communication dated 29.01.2018 wherein order in respect of the petitioner has been passed though the petitioner was declared as surplus. She has then being absorbed at a different school, but in that order itself i.e., order dated 29.01.2018, it is specifically mentioned that from the date of the order of absorption i.e., 30.05.2017 till the concerned employee resumes the charge, this duration would be taken on 'No Work No Pay' basis. Now, it appears that the petitioner has acted upon this order dated 29.01.2018. She accepted her position and therefore, now she cannot agitate the same.

4. Learned Advocate for the petitioner has pointed out the references quoted in the letter given by the petitioner on 04.11.2022 wherein mentioned that letters dated 03.05.2017, 14.05.2017, 15.05.2017, 31.05.2017 have been given; however, those documents are not before this Court, and therefore, we cannot say that the said letter was in respect of taking objection. When already in the letter dated 29.01.2018 it has been made clear that the appointment or absorption at different places has been given with the direction that since the date of the process of absorption i.e., 30.05.2017 till the resumption of charge would be treated as 'No Work No Pay', then the petitioner cannot deviate herself from this position.

5. We find that there is no case made out for exercise of powers of this Court under Article 226 of the Constitution of India. Hence, Writ Petition stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi