

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

**WRIT PETITION NO. 6392 OF 2004
WITH
CA/9350/2011 IN WP/6392/2004**

**KASHIBAI BHAGWAN GIRI
VERSUS
STATE OF MAHARASHTRA & OTHERS**

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Advocate for Petitioner : Mr. S B Talekar
AGP for Respondents 1,2 : Mr. V M Kagne

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**CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: October 14, 2015**

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PER COURT :-

1. The petitioner is hostel superintendent of a hostel managed by respondent No.3, which is a Non Government Organization. On 30.6.1999 the State of Maharashtra issued a Government resolution proposing to provide help to certain activities relating to education and students. One of the objects of this resolution was to ensure that girls hostel for 50-100 students on each Taluka Head Quarter in the State is established. The Government Resolution also prescribed certain rules that were applicable to girls hostels. A Non Government Organization who would start such activity were permitted to receive donations from general public. Salary and service conditions of employees including the superintendent were also prescribed. Rule prescribing the salary to superintendent clearly contemplated that the Government would not pay entire salary to such superintendent. Part of the salary should be paid by the Organization which would manage such hostel. Therefore, it is clear that, the employees of such

hostel are not entitled to get salary as per the prescribed pay scale. As against this, the Government also provides 100% grant to various hostels which are known as residential ashram schools run for scheduled caste students, scheduled tribe students, VJNT students etc., all over the Maharashtra. Such help is provided under other rules and regulations and the petitioner cannot equate his employer's establishment to such Ashram School. The argument that since the work done by the petitioner is similar to the Superintendent of other Ashram Schools, he should get equal pay is a misconceived. The scheme initiated in June, 1999 is not based on statutory provisions. Scheme can come to an end as and when the Government thinks it proper. The petitioner, thus, does not get any right beyond the rules formulated under the scheme of 1999.

2. In view of this, petition cannot succeed. Writ Petition is dismissed. Rule discharged. No costs.

3. In view of disposal of writ petition, pending civil application also stands disposed of.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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aaa/-