

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5335 OF 2012

MAH. STATE COLLEGE OF ART TEACHING AND NON-TEACHING
ASSOCIATION
VERSUS
THE STATE OF MAH AND ANR

...
Advocate for Petitioners : Mr. Shinde Chandrakant K.
AGP for Respondents 1 and 2: Mr. D.R. Korde
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd JULY, 2015

P.C. :-

1. Mr. Shinde, the learned counsel for the petitioner states that the teaching and non teaching staff employed in the private aided Arts Institution in the State is not being paid their salaries on-line as is done in the case of private aided schools, wherein the salary is directly credited in the bank accounts of the employees. The learned counsel submits that even the staff of private aided Arts institution is governed by the M.E.P.S. Act and Rules as such the same methodology should be applied for payment of salary to the employees of Arts Institution as is applied to the other schools. There is no reason to differentiate between the staff of the private Arts Institution and the staff of other schools. No steps are taken by the respondents in that regard.

2. The learned A.G.P. submits that the respondents have filed affidavit wherein it has been specifically stated that other schools are governed by the procedure adopted by the School Education Department for payment of salary of the teaching and non teaching staff of primary, secondary and Higher secondary schools. For the private Arts Schools, the grants are paid by the Higher and Technical Education department in the form of consolidated grants, which is paid quarterly that is also subject to the institution submitting utilization certificate to the department. As such, the Resolution issued by the School Education Department cannot be adopted by the Higher and Technical Education department.

3. In the affidavit in reply, the State has given reasons for not being able to directly deposit the salary in the bank accounts of the staff as the grants are released quarterly. It is also submitted that 90% of the grants are only released and this would be the practical difficulty in depositing the amount directly in the accounts of the employees. It has also been stated in the affidavit that if members of the petitioner union have any individual grievance against the management they are free to bring it to the notice of the respondents such misdeeds on the part of the management and respondents would take action against the management for such wrong doings in

individual cases, if it is found that grants are being misused.

4. Accepting the said affidavit of the respondent, we dispose of the present writ petition. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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