

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2719 OF 2014
IN
WRIT PETITION NO.5461 OF 2014**

Smt. Rahashree Shivaji Sathe **..Applicant**
Vs.
The Secretary, Sudharak Shikshan Sanstha & Ors **..Respondents**

Mr. Saurabh Pakale i/b Mr. Avinash Belge for the Applicant
Mr. V. K. Bodhare i/b Mr. A. M. Joshi for the Respondent No.1
Mrs. Vaishal Nimbalkar AGP for the Respondent No.4

CORAM : R. M. SAVANT, J.
DATE : 23rd MARCH, 2015

P.C.

1 The above Civil Application has been filed seeking a direction that the Respondent No.1 Management be directed to release the Applicant's unpaid monthly salary for the period of 42 months from June 2009 onwards till the date of termination i.e. December 2012. The above Writ Petition came to be admitted on 30-10-2014. In the above Petition the Petitioner /Applicant is challenging the dismissal of the Appeal filed by her against her termination. Though the above Petition has been admitted, the interim reliefs sought by way of interim mandatory injunction has been rejected. The above Civil Application has been filed for the relief which has been adverted to herein above. On behalf of the Respondent No.1 an affidavit in reply has been filed. The Learned Counsel appearing for the Respondent No.1 also draws the courts attention to the Judgment of a Learned Single Judge of this Court in the matter of **Sangam**

Education Society, Nagpur Vs. Bharti Hansraj Borkar & Anr.¹ wherein His Lordship Mr. Justice R.M.Lodha, (as his Lordship then was) has held that the unpaid salary or unpaid emoluments of employees of private schools prior to the termination, dismissal, removal or reduction in rank cannot be claimed by filing an appeal before the School Tribunal. The Learned Counsel appearing for the Respondent No.1 therefore states that the Petitioners are not entitled to the said relief.

2 In my view, apart from the fact that at the time when the Petition was admitted, no interim reliefs were granted. The judgment of a Learned Single Judge of this Court in Sangam Education Society's case(Supra), disentitles the Petitioner to claim such a relief. In that view of the matter, no relief can be granted to the Petitioner in the above Civil Application which to accordingly stand rejected.

[R.M.SAVANT, J]

¹ 1995(1)Mh.L.J. 847