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

WRIT PETITION NO. 445 OF 2015

Vaijanath Nagshetti Bondge ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

WITH

WRIT PETITION NO. 480 OF 2015

Laxman Kishanrao Mundhe ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

WITH

WRIT PETITION NO. 481 OF 2015

Shivaji Dagdoba Thakur ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr P. G. Rodge, Advocate for petitioners;
Mr M. B. Bharaswadkar, A.G.P. for respondent/State;
Mr R. V. Gore, Advocate for respondent No. 4 in
W.P. No. 445/2015;
Mr K. U. Nikam, Advocate for respondent No. 4 and
Mr A. A. Nimbalkar, Advocate for respondent No. 5
in W.P. Nos. 480/2015 and 481/2015

**CORAM : S.V. GANGAPURWALA &
N.W. SAMBRE, JJ.**

DATE : 14th SEPTEMBER, 2016

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ORDER :

Mr. Rodge, learned Counsel for the petitioners submits that the school where the petitioners were working stood de-recognised. The petitioners are absorbed in the year 2012. The petitioners are not paid salary from the date of closure of the school till the date of absorption. According to learned Counsel, it was not fault of the petitioners in the school being closed and/or de-recognized. When the petitioners are not at fault, the petitioners are entitled for salary from the date of de-recognition of the school till absorption of the petitioners. Learned Counsel, alternatively submits that the petitioners would be entitled to recover the salary from the management of de-recognised school.

2. Mr. Nimbalkar, Mr. Gore, learned Counsel and learned A.G.P. submit that in view of de-recognition of the school, Rule 25A of the MEPS Rules applies and the petitioners' services, in fact, stand terminated.

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3. We have considered the submissions.

4. As the authorities have found that the petitioners were not responsible for the closure of the school, the petitioners have been absorbed in other schools. It is not disputed that the petitioners are paid salary from the date of absorption.

5. The petitioners, in fact, stand terminated on the date of de-recognition of the school as per Rule 25A of the MEPS Rules. Upon inquiry being made, the authority has come to the conclusion that the petitioners are not at fault, as such, the petitioners are absorbed. If the petitioners would have been rendered surplus considering the provisions of Rule 26 of the MEPS Rules, then the case of the petitioners for salary during intervening period could have been considered. However, it was the case of the closure of the school under Rule 25A of the MEPS Rules, the prayer

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made by the petitioners seeking directions against the authorities for payment of salary from the date of closure of the school till their absorption cannot be considered. In case, the petitioners have any remedy to claim salary for the said period against the management of the closed school, the petitioners may take such steps as may be permissible in law. The petitioners may move the authorities for seeking continuity in service. If such an application is moved, the authority may consider the same on its own merits and policy.

6. The writ petitions, accordingly, stand disposed of. No costs.

(N.W. SAMBRE, J.)

(S.V. GANGAPURWALA, J.)

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