

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

WRIT PETITION NO. 5018 OF 2015

Rajendra Kondiba Gaikwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Ms. Supriya L. Pansambal, Advocate h/f Shri V. D. Gunale,
Advocate for the Petitioner in all matters.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 5019 OF 2015

Jijabai Ganpati Kharatmol .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Ms. Supriya L. Pansambal, Advocate h/f Shri V. D. Gunale,
Advocate for the Petitioner in all matters.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 5020 OF 2015

Shamal Pandurang Machale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Ms. Supriya L. Pansambal, Advocate h/f Shri V. D. Gunale,
Advocate for the Petitioner in all matters.

Shri B. V. Virdhe, A.G.P. for Respondent Nos. 1 to 3.

**WITH
WRIT PETITION NO. 5021 OF 2015**

Vandana Dhondiram Vaygave .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Ms. Supriya L. Pansambal, Advocate h/f Shri V. D. Gunale,
Advocate for the Petitioner in all matters.
Shri V. H. Dighe, A.G.P. for Respondent Nos. 1 to 3.

**WITH
WRIT PETITION NO. 5022 OF 2015**

Jalsabai Laxman Kadam .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Ms. Supriya L. Pansambal, Advocate h/f Shri V. D. Gunale,
Advocate for the Petitioner in all matters.
Shri M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 22ND SEPTEMBER, 2016.

PER COURT :

. Heard the learned counsel for petitioners. The learned counsel submits that, the petitioners are the employees of the respondent No. 5/school. The license of the respondent No. 5/school was cancelled in the year 2007. Since then the respondents have not absorbed the petitioners in any other institution, nor have paid the salary since the date the license of

the institution is cancelled where the petitioners were working. According to the learned counsel Rule 26 of the M. E. P. S. Rules would be applicable and the petitioners would be entitled for the salary from the date the school was de-recognized and also entitled to be absorbed in other institution.

2. Mr. Pulkundwar, Mr. Virdhe, Mr. Dighe and Mr. Bharaswadkar, the learned Assistant Government Pleaders in respective writ petitions submit that, the petitioners are not entitled for the salary on the principle of no work no pay. The petitioners are kept in the wait list and would be absorbed as per their turn.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. The license of the school is cancelled, as such provisions of Rule 25-A of the M. E. P. S. Rules would apply. In case the institution is derecognized and the employees are not at fault for the derecognition of the school, then the employees can be absorbed, however, are not entitled for the salary for the period the employees are not absorbed. Rule 26 of the M. E. P. S. Rules would not apply, which deals with retrenchment and under Rule 25-A of the M.E.P.S. Rules, the employees stand terminated and thereafter if it is found upon enquiry that the employees are not

at fault, then are required to be absorbed in other institution. The respondents have already placed the petitioners in the wait list of surplus candidates and respondents shall absorb the petitioners as per their turn in the wait list. The writ petitions accordingly are disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 16