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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3111 OF 2013

Sau. Sunita Laxman Kolhe ... Petitioner

Versus

Late Smt. Meenal Arjun Chavan Vidya
Mandir & Ors. ... Respondents

Mr. Mandar Limaye for the petitioner.

Mr. A.P. Vanarse for respondent nos. 1 and 2.

Mr. P.G.Sawant, AGP for respondent nos. 3 and 4.

**CORAM : SHANTANU KEMKAR &
RANJIT MORE, JJ.
DATED : APRIL 28, 2016.**

P.C.

1. Rule. By consent of the parties rule is made returnable forthwith and heard finally at the stage of admission itself.
2. Parties through their counsel.
3. Petitioner was appointed on the post of Assistant Teacher vide order dated 16.6.1997 in the school run by respondent no.1. Vide order dated 28.12.2001 her services were terminated. Challenging the said order, the petitioner had approached to the School Tribunal. The School Tribunal in Appeal No. 20 of 2005 set aside the order of termination and

directed reinstatement of the petitioner with back wages. The said order was challenged by respondent no. 1 in Writ Petition No. 6446 of 2006. The said writ petition was dismissed vide order dated 29.9.2006. Challenging the order passed by the School Tribunal as also by this Court, the first respondent had filed Civil Appeal No.421 of 2007 before the Supreme Court. The Supreme Court has dismissed the SLP filed by the first respondent vide order dated 5.11.2008. Thereafter, since the petitioner though was reinstated, she was not paid the salary, petitioner was required to file this writ petition. By way of interim order, this Court directed respondent no. 1 to pay Rs.7,500/- per month pending adjudication of this writ petition. The grievance of the petitioner is that though she has succeeded right upto the Supreme Court, Respondent no.1 are not paying her the requisite pay scale as per her entitlement. The contention of the first respondent is that as there is no approval to the appointment of the petitioner, respondent no.1 is not liable to pay.

4. Having considered the submissions made by the learned counsel for the parties and having gone through the orders passed by the School tribunal, this Court as also the Supreme

Court, we find that the petitioner's appointment has been upheld right upto the Supreme Court. In the circumstances, if the first respondent has not forwarded the petitioner's case for approval, that will not be the ground to deny to her the admissible pay scale. In the circumstances, we allow this petition and direct the first respondent to pay the salary as per the pay scale admissible to the petitioner in accordance with the law. Appropriate calculation about the pay scale and the dues be made and the arrears of payment be made within three months from today and the monthly salary be paid from the next month onwards. Petitioner's case for approval be immediately sent by respondent no.1 school to the Education Officer. With the aforesaid directions, writ petition is disposed of. Petitioner to cooperate with respondent no. 1 in the process of getting the approval.

Rule is made absolute accordingly.

(RANJIT MORE,J.)

(SHANTANU KEMKAR, J.)