

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1274 OF 2015

(Lady Yashodabai Joshi Ladies Club and another vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri A.S. Kilor, Advocate for the petitioners.
Shri V.P. Maldhure, Assistant Government Pleader for
the respondent nos.1 to 4.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATED : OCTOBER 17, 2016

By this writ petition, the petitioners have sought a declaration that the Government Resolution dated 21/5/2010 is illegal so far as it has made the recommendations of the VIth Pay Commission applicable to the non grant in aid Schools with effect from 1/1/2006. The petitioners have also sought a declaration that the VIth Pay Commission's recommendations would be applicable to the teaching and non teaching staff in the petitioner no.2 School with effect from March 2014.

On one of the earlier dates of hearing, a statement was made by the learned Assistant Government Pleader that the Finance Department of the State Government had considered the representations of certain non grant-in-aid Institutions on the issue of the applicability of the recommendations of the VIth Pay Commission with effect from 1/1/2006 or a subsequent

date. It was stated that in some cases, the Institutions were permitted to implement the VIth Pay Commission's recommendations from a subsequent date. It was stated that if the petitioners would move a similar representation before the concerned Department of the State Government, the same would be considered. The matter was adjourned so that the learned Counsel for the petitioners could take instructions from the petitioners as to whether they are ready to make a representation to the School Education Department, which, in turn, would forward the same to the Finance Department of the State Government.

Shri Kilor, the learned Counsel for the petitioners, states on instructions that the petitioners are willing to make an appropriate representation to the School Education Department and the same may be decided by the Finance Department of the State Government as submitted on behalf of the State Government by the learned Assistant Government Pleader on the earlier occasion.

In the circumstances of the case, we dispose of the writ petition with a direction to the petitioners to make an appropriate representation to the School Education Department within four weeks and a further direction to the School Education Department to forward the representation that would be received from the petitioners, to the Finance Department of the State Government within two weeks from the receipt thereof so that the Finance Department could take an appropriate decision in the matter at the earliest.

Since the interim relief is operating in favour of the petitioners with effect from 10/3/2015, we continue the interim relief till the Finance Department of the State Government takes a decision on the representation made by the petitioners. It is needless to mention that since we have not decided the writ petition on merits, the points raised in the writ petition are kept open.

Order accordingly. No costs.

JUDGE

JUDGE

khj