

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7570 OF 2014

1. Vishwanath s/o Chanbsappa Kevalram,
age : 45 years, Occu.: Service,
R/o.: Shri Samarth Niwas,
Kevalram Galli, AUSA, Tq. AUSA,
District Latur
2. Surekha d/o Kisanrao Ghodke,
Age : 44 years, Occu.: Service,
R/o.: C/o Shri Vishwanath Kevalram
Shri Samarth Niwas, Kevalram Galli,
AUSA, Tq. AUSA, District Latur
3. Anju d/o Vishwanath Upadhye,
Age : 43 years, Occu.: Service,
R/o.: Vitthal Niwas, Brahmin Galli,
AUSA, Tq. AUSA, District Latur
4. Surekha d/o Tukaram Mule,
Age : 39 years, Occu.: Service,
R/o.: C/o Shri Nandkumar Ladde,
Mali Galli, AUSA, Tq. AUSA,
District Latur
5. Dhanaji s/o Vitthalrao Kale,
Age : 31 years, Occu.: Service,
R/o.: C/o. Vishwanath Kevalram,
Shri Samarth Niwas, Kevalram Galli,
AUSA, Tq. AUSA, District Latur

PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Secretary,
Education Department,
Mantralaya, Mumbai – 32
2. Education Officer (Secondary),
Zilla Parishad, Latur,
Tq. and District Latur

3. Saraswati Kanya Prashala,
Near old Post Office, AUSA,
Tq. AUSA, District Latur
(Through its Headmistress)
4. The President/Secretary,
Vasantrao Naik Shikshan Prasarak
Mandal, Gore Complex, Behind Rajasthan
High School, Tagor Nagar, Latur,
Tq. and District Latur

RESPONDENTS

Mr. Vivek Dhage, Advocate for the Petitioners
Smt.R.P.Gaur, A.G.P. for respondent Nos. 1 and 2
Mr. Anand V. Patil, Advocate for respondent no.3
Mr. V.D. Hon, Senior Advocate instructed by and
with Mr. A.V. Hon for respondent no.4

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 23rd FEBRUARY, 2017

JUDGMENT (PER : T.V. NALAWADE, J.) :

Rule, returnable forthwith. With the consent
of the learned counsels for the parties, heard finally.

2. The petition is filed, seeking many reliefs,
including a direction to the respondents to pay salary
for the period subsequent to the filing of petition and
absorption of the petitioners in other school.

3. The submissions made would show that there were some disputes between the employees and the Management. As there was no possibility of reconciliation, the strength of the students got reduced. As the strength was 10 students only, by letter dated 16th November, 2013, the Education Officer – Respondent no.2 informed the Institution that it was not possible to sanction the grants to the school in view of the provisions of the Secondary Schools Code. It was specifically informed that from academic year 2013-14, there will be no grants payable to the staff.

4. The Management gave notice of termination to the petitioners on 22nd September, 2014 and therefore, the services of the petitioners were brought to an end with effect from the said date. It appears that the said order of termination is challenged by filing the proceedings before the School Tribunal. In view of this development, the learned counsel for the petitioners, on instructions, restricts the claim of the petitioners to their entitlement to get salary for the period from August 2013. The learned counsel submitted that as the

services of the petitioners were terminated on 22nd September, 2014, till that date, it is the responsibility of the Management to pay the salary of the petitioners.

5. The learned counsel for the Management-respondent nos. 3 and 4 submitted that the school was practically closed in the year 2013 itself as there were no students and the teachers and petitioners had stopped coming to the school.

6. As there is dispute over the factual aspects between the employees and the Management, we are not expected to make an enquiry in respect of the factual aspects. Though the grants are not sanctioned, the school is bound to follow the statutory provisions. In the circumstances, the Education Officer needs to be directed to ascertain the liability of the Management with regard to the payment of salary to the petitioners.

7. In the result, the Writ Petition is partly allowed. The Education Officer (Secondary) – respondent

no.2 is directed to ascertain the liability with regard to the claim of the petitioners of salary for the period from August, 2013 to September, 2014. This exercise shall be completed within a period of six months from today. The Rule is made absolute in those terms. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
[**SANGITRAO S. PATIL**]
JUDGE

Sd/-
[**T.V. NALAWADE**]
JUDGE

npj/wp7570-2014