

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

CIVIL APPLICATION NO.13700 OF 2016  
IN WP/9822/2015 WITH CA/13702/2016 IN WP/9540/2015 WITH  
CA/13706/2016 IN WP/9541/2015

BHARAT SHIKSHAN SANSTHA THROUGH ITS PRESIDENT AND  
ANOTHER  
VERSUS  
SAMBHAJI ASHOK MANE AND OTHERS

...

Advocate for Applicants : Shri Jadhavar Santosh S. a/w Shri S.R.Shirsath.  
Advocate for Respondent 1 : Shri A.M.Gholap.  
AGP for Respondent 2 : Shri S.N.Kendre.

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**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 10<sup>th</sup> February, 2017**

Per Court:

1 I have heard the learned Advocates for the respective sides.

2 Shri Gholap, learned Advocate for the Respondents/original Appellants, submits on instructions that the amounts, which have been deposited by the Applicants/ Petitioners, are much less than the correct calculations of the back wages. However, the Respondents/ original Appellants are agreeable to maintain status-quo existing today on the condition that they should be permitted to withdraw the entire amounts deposited in this Court and the Writ Petitions can be heard finally at

admission stage.

3           Shri Jadhavar, learned Advocate for the Applicants/ Petitioners, submits that the Respondents/ original Appellants may be allowed to withdraw only 50% of the amounts and the Writ Petitions be listed for final hearing at admission stage by directing the Respondents not to resort to coercive steps for seeking execution of the impugned judgments.

4           Considering the above, these Civil Applications are disposed of with liberty to the Respondents/ original Appellants to withdraw 75% of the amounts deposited by the Petitioners/ Management on the following conditions:-

(a)   An undertaking/ affidavit shall be filed by each Appellant that in the event of any adverse order being passed against the Respondents/ original Appellants in the petitions and in the event, they are held to be disentitled to the back wages, they would return the said amounts withdrawn without interest, within a period of twelve weeks from the date of such order.

(b)   While withdrawing the above said amounts, the Respondents/ original Appellants shall furnish tangible evidence of their address with a copy of the Election Commission of India's Voter Identity Card and due

identification from the Advocate representing them in this Court.

5           After the above directions are complied with, the Respondents/ original Appellants will be at liberty to withdraw the amounts as permitted.

6           Consequentially, the order of issuing Rule in the matter and refusing interim relief, stands recalled. List Writ Petition Nos.9822/2015, 9540/2015 and 9541/2015 for hearing on 27.02.2017. The parties to note that these petitions are likely to be heard finally at admission stage.

7           Till the next date of hearing, the Respondents/ original Appellants shall refrain from seeking execution of the impugned judgments.

*kps*

**(RAVINDRA V. GHUGE, J.)**