

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2084 OF 2014

Mrs Kataria Aqeela Bano Mohammed Iqbal ... Petitioner
v/s
The State of Maharashtra and others ... Respondents

WITH
WRIT PETITION NO.273 OF 2014

Mrs Shaikh Nigar Sultana Akbar Ali ... Petitioner
v/s
The State of Maharashtra and others ... Respondents

Mr A.A. Maniyar for Petitioners.
Ms Jyoti Jadhav, AGP for Respondent Nos.1 to 4.
Mr A.G. Kothari for Respondent Nos.5 and 6.

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

DATE : APRIL 3, 2017

P.C.:

1. Through these Petitions filed under Article 226 of the Constitution of India, the Petitioners are seeking direction against Respondent Nos.5 and 6 to pay their unpaid salary for the period from February 2014 till the date of termination. The learned counsel appearing for Respondent Nos.5 and 6 submits that the said amount

has been paid to the Petitioners. However, the Petitioners have disputed the aforesaid position.

2. Undisputedly, the School being recognised and unaided, the Respondent Nos.5 and 6 are bound to pay the salary if the same is not paid. In the circumstances, we direct the Deputy Director of Education, Mumbai to examine the issue raised by the Petitioners and take appropriate decision and in case he finds that there is non-payment of salary as aforesaid to the Petitioners, appropriate direction to that effect be given. The Respondent Nos.5 and 6 shall comply with the order as may be passed by the Deputy Director of Education, Mumbai.

3. The entire exercise shall be completed within two months from today. The Petitioners and representative of Respondent Nos.5 and 6 to appear before the Deputy Director of Education, Mumbai on 12th April 2017 at 11.00 a.m.

4. Needless to say that we have not dealt with the merits of the matter.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)