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

WRIT PETITION NO.6322 OF 2011

Durwas s/o Pandurangji Jiwane ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.
.....

WITH

WRIT PETITION NO.3892 OF 2011

Ramrao s/o Shankar Bhagnure ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.
.....

WITH

WRIT PETITION NO.3898 OF 2011

Sanjay s/o Gomaji Waghmare ... PETITIONER

((2))

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....

Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.

.....

WITH

WRIT PETITION NO.5144 OF 2011

Deepak s/o Pandurang Shelke ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....

Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.

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WITH

WRIT PETITION NO.5145 OF 2011

Sonba s/o Datta Solanke ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....

Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.

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WITH

WRIT PETITION NO.5146 OF 2011

Subhash s/o Datta Chakote ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....

Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.

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WITH

WRIT PETITION NO.5147 OF 2011

Sanjay s/o Sambhajirao Kalyane ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....

Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.

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WITH

WRIT PETITION NO.5151 OF 2011

Pandit s/o Jaywantrao Patil ... PETITIONER

VERSUS

((4))

The State of Maharashtra & others ... RESPONDENTS

.....
Shri S.R. Choukidar, Advocate for petitioner
Shri Y.G. Gujarathi, A.G.P. for State
Shri K.B. Choudhari, Advocate for respondent No.5.
Mrs. Y.M. Kshirsagar, Advocate for respondent No.6.
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CORAM: T.V. NALAWADE AND
 SUNIL K. KOTWAL, JJ.

DATED : 15th FEBRUARY, 2018.

ORAL ORDER :

1. Heard Mr. Choukidar, learned counsel for the petitioners for some time. All the petitions are filed for giving directions to the Government to take steps to see that the provisions of Provident Fund Act, 1977 are made applicable to the petitioners. Learned counsel for the petitioners is placing reliance on similar Government decisions taken in respect of V.J.N.T. Ashram Shala and Secondary Schools on 4.12.1995. Learned counsel submitted that the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 mandate that these schemes need to be implemented for such schools. He drew the attention of this Court to correspondence made by various authorities like Joint Director, Social Welfare and other authorities of the Government for giving budgetary head for crediting the amount of Provident Fund. He submitted that, the Government has not taken decision though

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the Government has already taken a decision in respect of similar category of institutions. It is contention that, the petitioners are entitled to get the said benefits, otherwise it will amount to discrimination.

2. Learned A.G.P. submitted that, the matter involves financial implications and it is up to the Government to ascertain the viability of the scheme.

3. The matter apparently involves the policy decision of the Government. At present, this Court is not expected to give any direction presuming that there is discrimination. Only after taking some decision by the Government, this Court will be in a position to take a decision whether there is discrimination and whether this Court needs to intervene in the matter. So, at present, it will be sufficient to give directions to the Government to take decision in the matter within four months from the date of receipt of this order.

4. In aforesaid terms, the petitions are disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

fmp/