

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

WRIT PETITION NO.7344 OF 2016

1. Basling s/o. Shidhdyappa Mathpati,
Age: 41 Years, Occu: Nil,
R/at. At Post Samrala, Post Yetala,
Tq.Dharmabad, Dist. Nanded.
2. Laxman s/o. Sayanna Zendekar,
Age: 38 Years, Occu: Nil,
R/at. At Post Samrala, Post Yetala,
Tq. Dharmabad, Dist. Nanded.
3. Dhananjay s/o. Sahebrao Jede,
Age: 31 Years, Occu: Nil,
R/at. Venkatesh Nagar, Mukhed,
Tq. Mukhed, Dist. Nanded **PETITIONERS**

VERSUS

1. The State of Maharashtra
Through its Secretary,
School Education Department
Mantralaya, Mumbai-400032.
2. The Director,
Vimukta Jati, Nomadic Tribes, Other
Backward Class & Special Backward Class
Welfare, Maharashtra State, 3,
Church Road, Pune-1.
3. The Regional Commissioner,
Social Welfare and Special Assistance
Department, Latur Division,
Latur.
4. The Assistant Commissioner,
Social Welfare and Special Assistance
Department, Nanded.

5. Sant Goroba Shikshan Prasarak Mandal,
CIDCO, New Nanded,
Through its President,
Shri Gajanan Sayanna Rajarwar,
Age: 35 years, Occu. : Service,
R/at. Girijai Nivas, ND-120,
Shankarnagar, CIDCO, New Nanded.
6. The Headmaster,
Sant Goroba Primary Ashram School,
Kundalwadi, Tq.Biloli,
Dist. Nanded.

RESPONDENTS

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Mr.U.R.Awate, Advocate for the petitioners
 Mr.S.B.Yawalkar, Addl.G.P. for respondent –
 State.
 Mrs.S.L.Sambal, Advocate holding for
 Mr.V.D.Gunale, Advocate for respondent nos.5
 and 6.

...

**CORAM: S.S.SHINDE &
 S.M.GAVHANE, JJ.**

Reserved on : 11.04.2018
 Pronounced on : 25.04.2018

JUDGMENT: (Per S.S.Shinde, J.):

1] This Petition is filed with the
 following prayers:

A. *To quash and set-aside the
 impugned order dated 21.04.2016
 passed by the respondent No.2-
 Director, VJ, NT, OBC & SBC*

Welfare, MS, Pune, [EXHIBIT-U"], by issuing writ of certiorari or any other writ, order or direction as the case may be;

C. To direct the respondent Nos. 5 and 6 to allow the petitioners to join on the post of Assistant Teachers at respondent No.6-School, by issuing writ of mandamus or any other writ, order or direction as the case may be;

D. To direct the respondents to grant arrears of salary on account of difference of salary paid and the salary due and payable in regular pay-scales as is admissible to the Assistant Teacher i.e. to the petitioners from the date of their initial appointments, by issuing writ of mandamus or any other writ, order or direction as the case may be.

E. To direct the respondents to grant all the consequential

benefits as Assistant Teacher such as deem date of seniority, arrears of pay, promotion, post terminal benefits etc., by issuing writ of mandamus or any other writ, order or direction as the case may be.

2] It is the case of the petitioners that, petitioner no.1 possesses B.A. D.Ed. qualification, petitioner no.2 possesses B.A.B.Ed. B.P.Ed. qualification and petitioner no.3 possesses B.A. D.Ed. qualification. Initially, after following proper selection process, petitioner no.1 came to be appointed as Assistant Teacher vide order dated 26.09.1996, petitioner no.2 came to be appointed as Assistant Teacher vide order dated 01.07.2003, and petitioner no.3 came to be appointed as Assistant Teacher vide order dated 27.02.2006 at respondent no.6 – school by respondent no.5 Sanstha. Respondent nos.5 and 6 have not

released salary of the petitioners and other employees since May 2006 to May 2008, therefore, the petitioners and other employees approached the Divisional Social Welfare Officer, Latur, and sought arrears of salary by filing representation. The Divisional Social Welfare Officer directed the District Social Welfare Officer, Nanded to look into the matter and take action for redressal of the grievance of the petitioners vide communication dated 23.06.2008. Subsequently, the petitioners were not allowed to sign the muster roll and to work by respondent nos.5 and 6, therefore, the petitioners approached the District Social Welfare Officer, Nanded and submitted their complaints. Meanwhile, the petitioners and other employees were constrained to go on hunger strike, since the authority has not taken any action on the complaints filed by the petitioners.

3] It is further the case of the petitioners that, thereafter, the District Social Welfare Officer, Nanded, requested the petitioners to call off the hunger strike and assured to take action against respondent nos.5 and 6. The District Social Welfare Officer, Nanded further informed the petitioners that, respondent nos.5 and 6 were directed to allow to join the petitioners and to pay arrears of salary, vide communication dated 31.07.2008. Thereafter, they are allowed to join and work on the posts of Assistant Teachers, but again they were not allowed to sign the muster roll and to work, by respondent nos.5 and 6. The District Social Welfare Officer, Nanded, visited respondent no.6 school for inspection and submitted detailed report to respondent no.2 Director and recommended to cancel the recognition of respondent no.6 school vide report dated 04.03.2011. Meanwhile the

Divisional Social Welfare Officer, Latur sought permission from respondent no.2 Director to shift / transfer the students and employees of respondent no.6 school to the nearest Zilla Parishad, School, vide communication dated 15.03.2011. Respondent nos.5 and 6 issued show cause notice to petitioner no.1 and directed to submit explanation for unauthorized absence and to immediately join respondent no.6 school, vide notice dated 16.03.2011. Pursuant to the said show cause notice, the petitioners visited respondent no.6 school and requested to allow to join but respondent nos. 5 and 6 refused to join the petitioners. Respondent nos.5 and 6 by using same modus operandi every time i.e. at one side they are issuing notices to the petitioners to join the respondent no.6 school and other side when the petitioners approached respondent no.6 school for joining, they are not allowed to join. By

notice dated 22.03.2011, the District Social Welfare Officer, Nanded, once again directed respondent nos. 5 and 6 to allow to join the petitioners. Thereafter, respondent no.5 issued one more show cause notice to petitioner no.1 and directed to submit his explanation for unauthorized absence vide notice dated 23.05.2011. Petitioner no.1 submitted detailed explanation to the show cause notice dated 23.05.2011 and denied all the allegations vide reply dated 24.05.2011. Time and again they approached respondent nos. 5 and 6 and requested to allow to join but respondent nos.5 and 6 refused to join the petitioners. Therefore, the petitioners approached respondent nos. 2 to 4 by filing representations dated 27.02.2012, 04.06.2013, 10.03.2014, 22.04.2014 and 09.06.2014 time to time and requested for arrears of salary and joining at respondent no.6 school.

4] It is further the case of the

petitioners that, Respondent no.4 Assistant Commissioner directed respondent nos.5 and 6 to allow to join the petitioners vide communication dated 04/07.08.2014. Respondent nos.5 and 6 did not allow them to join, therefore, respondent no.4 Assistant Commissioner once again directed respondent nos. 5 and 6 to allow them to join in the presence of Senior Clerk namely A.M.Shrimanwar, vide communication dated 27.08.2014. Respondent nos.5 and 6 refused to join the petitioners at respondent no.6 school. Petitioner no.1, therefore, addressed a representation to respondent no.2 and reported the incident vide representation dated 10.09.2014. Respondent no.4-Assistant Commissioner recommended to respondent no.3 Regional Commissioner to cancel the recognition of respondent no.6 school vide communication dated 22/23.09.2014. Respondent no.3 Regional Commissioner further

recommended to respondent no.2 Director to cancel the recognition of respondent no.6 school vide communication dated 13/26.11.2014. Thereafter, respondent no.2 Director issued a show cause notice to respondent nos. 5 and 6 calling upon them to submit their explanation as to why recognition of respondent no.6 school shall not be cancelled vide show cause notice dated 23.03.2015. Respondent nos.5 and 6 submitted reply to the show cause notice dated 23.03.2015 vide reply dated 18.04.2015. Respondent no.4 Assistant Commissioner also submitted his say before respondent no.2 Director and pointed out several illegalities committed by respondent nos. 5 and 6 and recommended to cancel the recognition of respondent no.6 school. Respondent no.2 Director decided to grant one opportunity to respondent nos.5 and 6 to remove deficiencies and not to cancel the recognition of

respondent no.6 school. Surprisingly, by order dated 21.04.2016, respondent no.2 Director without issuing any notice to the petitioners and without giving an opportunity of hearing held that since the petitioners are absent from duty without leave continuously for a period of exceeding three years, the petitioners are not interested in their services and under Rule 16 of the Maharashtra Employees of Private Schools [Conditions of Service] Rules, 1981 [for short 'Rules of 1981'], the petitioners have voluntarily abandoned their services.

5] Learned counsel appearing for the petitioners submits that, the process of cancellation of recognition of respondent no. 6 school was started mainly on the ground that the respondent nos. 5 and 6 did not allow to join. The petitioners were continuously pursuing their claim for joining at respondent no.6 school and arrears of

salary before respondent nos.2 to 6. Despite continuous persuasion on behalf of petitioners, respondent nos.5 and 6 refused to join the petitioners. Respondent nos.3 and 4 continuously recommended to cancel the recognition of respondent no.6 school to respondent no.2 Director. Respondent nos.3 and 4 pointed out several illegalities committed by respondent no.6 school while running school. Despite repeated directions issued by respondent nos.3 and 4 to respondent nos. 5 and 6 to allow to join the petitioners, respondent nos. 5 and 6 refused to join the petitioners. There is no fault on the part of the petitioners, since they are continuously pursuing their claim before respondent nos.2 to 5.

6] It is further submitted that, most of the notices issued by respondent nos.5 and 6 mentioned in the impugned order are not served upon the petitioners. Respondent nos.

5 and 6 by using same modus operandi every time i.e. at one side they are issuing notices to the petitioners to join the respondent no.6 school, however, did not allow them to join as and when petitioners approached respondent no.6 school for joining. Neither notice has been issued to the petitioner nor an opportunity of hearing was given to the petitioner before passing the impugned order dated 21.04.2016, therefore, the impugned order is bad in law. The impugned order is passed in sheer violation of the principles of natural justice. The impugned order suffers from non application of mind. The impugned order is arbitrary, discriminatory, unjust and therefore the same is violative of Articles 14 and 16 of the Constitution of India.

7] On the other hand, learned AGP appearing for respondent-State relying upon the affidavit in reply filed on behalf of

respondent nos.1 to 4 submits that, the respondent management did not allow the petitioner to join and work on the post of Assistant Teachers and also did not allow them to sign the muster roll. The office of respondent no.4 visited respondent no.6 school for inspection and submitted the detail report to the higher authority. Due to dispute between the petitioners and respondent management, the office of respondent no.4 recommended to cancel the recognition of respondent no.6 school vide report dated 04.03.2011. Thereafter, the Director, VJNT, Pune directed / permitted to shift / transfer the students and employees to the nearest Zilla Parishad, School, vide communication dated 15.03.2011. It is submitted that, respondent no.4 again directed respondent management to allow the petitioner to join in presence of senior Clerk namely A.M.Shrimanwar vide letter dated

28.07.2014. The management and school are deliberately not allowing the petitioner to join the service, hence, the petitioners have submitted the representation that the management is not allowing to work. However, the management has also issued show notice to the petitioners regarding joining of service. Considering the dispute, respondent again forwarded the proposal to cancel the recognition of respondent no.6 school to the office of Director, VJNT, Maharashtra State, Pune. After giving reasonable time for filing the reply to the respondent management and school and after hearing the parties, the office of Director, VJNT, Maharashtra State, Pune passed reasoned order on 21.04.2016. While passing the order dated 21.04.2016, it is observed that vide order dated 13.01.2012 passed in Writ Petition No.6448/2011, 6501/2011, 11959/2011 and 11982/2011, the High Court has passed the order to join the

petitioners to the concerned Ashram School of respondent nos. 5 and 6, but the petitioners did not join Ashram School, therefore, other surplus employees have been absorbed over the vacant posts of the petitioners. It is stated in the reply of respondent nos.5 and 6 that, they tried their level best to allow the petitioners to join by sending letter vide RPAD and by giving public notice in newspaper but they never obeyed the same. Hence, the order dated 21.04.2016 passed by respondent no.2 is just, legal and proper and needs no interference. The petitioners did not join the school, though order was issued time to time by the respondent management and school. Hence, as per Rule 16 [3] of the Rules of 1981, the office of Director, VJNT, Maharashtra State, Pune has rightly canceled the approval of the petitioners.

8] Respondent nos.5 and 6 have filed affidavit-in-reply. It is stated in the said

affidavit-in-reply that, communication dated 23.06.2008 in between one Ananda Narbaji Kapsikar, the Divisional Social Welfare Officer and the Special District Social Welfare Officer, Nanded, the said Ananda Kapsikar is not the petitioner, however, respondent nos.5 and 6 have no knowledge about the said communication between the Divisional Social Welfare Officer and the Special District Social Welfare Officer. The petitioner nos.1 and 3 were absent from the school from 26.01.2011, and petitioner no.2 was absent from the duty from 06.03.2010. They have received their salary till February 2010 and January 2011. The petitioners are not interested in discharging the duties, but they are interested in getting close the school and absorb elsewhere, as they unauthorizedly remained absent from the school without prior permission or leave application to the school authority. Time to

time respondent nos.5 and 6 have issued notices to the petitioners on 15.03.2010, 26.03.2010, 31.03.2011, 04.03.2011 and 16.03.2011. The said show cause notices were issued in respect of their illegal absence from school. It was pointed out in the said show cause notices that due to their non cooperation and non attending the duties, the students are suffering. The copies of the said show cause notices were also forwarded to the authorities i.e. respondent nos.2 to 4. However, they refused to accept the said notices by hand. Therefore, the said notices were issued to the petitioners by post i.e. RPAD and the petitioners have also refused to accept the same. Thereafter, respondent nos.5 and 6 have issued proclamation in the news paper dated 07.04.2011 mentioning therein that, due to unauthorized absence of the petitioners from duties, the students of the schools are suffering. On the contrary, the

petitioners are making allegations against the school authorities. Therefore, the Special District Social Welfare Officer has sent it's representative to the school to resume them the duties as they have made allegation that the respondent nos.5 and 6 have not allowed them to resume the duties. However, the representative of the Special District Social Welfare Officer were remained present to the school on 25.03.2011 and 28.03.2011, by giving advance notice to the petitioners, but the petitioners did not come to the school for joining. Thereafter on 02.04.2011, the representative of the Special District Social Welfare Officer has made report to that effect. The petitioners have given notice in respect of hunger strike to the Special District Social Welfare Officer. In response to the said notice, the Special District Social Welfare Officer issued a communication informing the petitioners that,

they themselves are not interested in joining the school. Even the notices were issued to the petitioners to resume the duties, but they did not turn to the school. This itself shows that the Headmaster of the school has never prohibited the petitioners from joining the school, but they are not interested to join the school. Moreover, the petitioners have filed various representations to the authorities making allegations against the school and the management. The Special District Social Welfare Officer has also directed the petitioners to resume the duties with immediately effect and not to proceed on hunger strike. By communication dated 22.02.2011, the Divisional Social Welfare Officer, Latur has also directed the petitioners to resume the duties, but they did not turn to the school for joining. Therefore, the contentions of the petitioners that they are not allowing to join the duties

are totally false. Even respondent no.3 also directed the petitioners to resume the duties, but they did not turn to join the duty.

9] It is further submitted that, thereafter, respondent nos.3 and 4 directed the petitioners to resume the duties and accordingly they joined and discharged their duties till 2010 and 2011 respectively. The petitioners have also received their salary of the said period. Even the school authority has also completed their service book. The School authority has granted increment to them. Even petitioner no.1 was untrained at the time of initial appointment, respondent nos.5 and 6 recommended his case for admission to the Postal D.Ed. course and accordingly he did complete his postal D.Ed. course in service candidate. The allegations in respect of not allowing the petitioners to sign the muster roll and work in the school

are false and baseless. Respondent nos.5 and 6 have issued show cause notices to the petitioners to join the duties. Respondent nos. 3 and 4 have also issued communications to the petitioners to attend the duties, but the petitioners themselves chose to remain absent from the duty and not to cooperate the school. The petitioners are not interested to work in the said school, but they are interested to get themselves declared surplus. Not only that, but they have demanded to close the said school and declared them surplus and absorbed them in any other school. Petitioner no.3 has filed false complaint for the offence punishable under Section 307, 323, 504, 506 r/w. 34 of IPC and under Section 3 [1] [x] of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, against the office bearers of the management under the provisions of the Atrocities Act.

In the said complaint, petitioner nos. 1 and 2 are the witnesses. The office bearers were tried for the above-mentioned offences by the Additional Sessions Judge, Biloli in Special Atrocity Case No.09/2011. The Additional Sessions Judge, Biloli was pleased to acquit the accused persons by judgment and order dated 02.12.2015. Not only this, but the petitioners have assaulted the President of the management on 06.04.2011. Thereafter, the President has lodged the report to the Police Station Nanded Rural on 07.05.2011. On the basis of said report, Crime No.157/2011 has been registered against the petitioners and one Kapsikar for the offences punishable under Section 452, 143, 147, 323, 427, 504 and 506 of the Indian Penal Code. Not only the petitioners have made several false complaints against the school and management, but the petitioners have involved the office bearers and Headmaster of the School in the

atrocious case. On 04.03.2011, the Special District Social Welfare Officer has submitted report to the Director of Social Welfare, mentioning therein that, there are disputes between the employees of the school and the managements. Both the parties have filed criminal cases against each other, therefore, the school administration is not functioning properly.

10] It is further submitted that, on the basis of above-mentioned report, the Divisional Social Welfare Officer by order dated 15.03.2011 recommended the Director to de-recognise the said school from 2011-2012. Thereafter, the office bearers and school authorities appeared before the Director of Social Welfare and pointed out that, the school authority has provided all infrastructure to the students, maintained the record and the school is being run smoothly, but some of the employees i.e. the

petitioners have created unhealthy atmosphere in the school. The petitioners are not interested in teaching, but they are interested to close down the school by making allegations against the school and management. Thereafter, the Director of Social Welfare directed the Divisional Social Welfare Officer as well as the Special District Social Welfare Officer to visit the said school and submit the reports. Accordingly, the Special District Welfare Officer carried out inspection and submitted its report to the Director on 15.10.2011. The Divisional Social Welfare Officer has also submitted report on 05.10.2011 to the Director, specifically pointing out that, the school is being run properly, the attendance of the students is also upto the mark, the school is providing all the facilities to the students as per the norms and they are providing proper meal to the students.

It is also pointed out in the said report that, the petitioners were unauthorizedly remained absent from the duties, though they were directed by the school authorities and also by respondent no.3 to resume the duties, and therefore, the school authorities have appointed three other teachers on temporary basis to avoid inconvenience to the students. On 02.05.2011, joint meeting was held in the office of Special District Social Welfare Officer, Nanded. In the said meeting, the petitioners so also the President and the Headmaster of the school were remained present and the management and school authorities were ready to allow the petitioners to join the school from June, 2011, but the petitioners were not ready to join the school and they requested to absorb them to any other school. Due to such illegal demand on the part of the petitioners, the matter could not be settled.

Therefore, the school authorities have complied all the deficiencies except the compound wall, and therefore, there is no need to de-recognize the said school.

11] It is further submitted that, the Assistant Commissioner of Social Welfare directed to approve the staffing pattern to the said school. Even time to time the petitioners were directed to join the school, they are not joined the said school. Thereafter, by order dated 31.05.2014, the respondent nos.5 and 6 have terminated the petitioners from services. Thereafter again, the petitioner made a similar complaint in the year 2014 against respondent nos.5 and 6. However, the show cause notice was issued by the Director on 07.04.2015. Thereafter, the Director conducted hearing and also called the report from the Assistant Commissioner of Social Welfare, Nanded. After considering the reports and explanation submitted by the

Headmaster as well as the President of the management, the Director of Social Welfare, Pune has passed the impugned order on 21.04.2016.

12] It is further submitted that, since the year 2008 till 2016 for about 8 years, the schools authorities have attended each and every correspondence made by the petitioners. Not only this, but the representatives of the management were directed the petitioners to resume the duties, the petitioners did not turn to join the duties. Therefore, it is submitted that, the order dated 21.04.2016 passed by respondent no.2 is legal and proper. The petitioners have given opportunity of hearing. The school and management have also requested the petitioners to join the duties, but the petitioners refused to join the duties. There is no single complaint against the school from the students and parents of

the students. Therefore, the petitioners have made several complaints against the school and school management to achieve their personal gain and harassed the school and management. The services of the petitioners have been terminated by respondent nos.5 and 6 due to illegal absence from the duty for more than three years as per the provisions of Rule 16 [3] of the Rules of 1981. The said termination order has not been challenged by the petitioners. Even the District Social Welfare Officer, Divisional Social Welfare Officer as well as the Director of Social Welfare Officer directed the petitioners to resume the duties, but they refused to join the duty. Even the authorities have also observed in their report that, the school is running smoothly as per the norms. There are no deficiencies. There is sufficient strength of the students. Sufficient infrastructure is provided.

Considering the above facts and circumstances, order dated 21.04.2016 passed by respondent no.2-Director, VJ, NT, OBC and SBC Welfare, Maharashtra State, Pune, is legal and proper. Therefore, learned counsel submits that, the Petition may be rejected.

13] We have given careful consideration to the submissions of the learned counsel appearing for the petitioners, learned AGP appearing for the respondent-State and its Officials, and learned counsel appearing for respondent nos.5 and 6. With their able assistance, we have perused the pleadings and grounds taken in the petition, annexures thereto, reply filed by respondent nos.5 and 6 and also the reasons assigned in the impugned order. The Petition raises disputed questions of fact, and therefore, it is not desirable to undertake adjudication of such disputed questions of fact. It appears from the pleadings in the Petition and which is

not disputed by the respondents that in Writ Petition Nos.6448/2011 [Santosh Ramdas Choudhari Vs. The State of Maharashtra & others] along with Writ Petition Nos.6501/2011, 11959/2011 and 11982/2011, the High Court passed the order on 13.01.2012 to allow the petitioners to join the Ashram School run by respondent nos.5 and 6, but it appears from the reasons assigned in the impugned order, and the replies filed on behalf of respondent nos.1 to 4 that, the petitioners did not join the said School. The Director, VJNT, Maharashtra State, Pune, who has passed the impugned order, has drawn inference that, since the petitioners did not join pursuant to the order passed by the High Court, they remained unauthorizedly absent and voluntarily left the employment / service. The said findings of fact recorded in the impugned order are on the basis of the adjudication of the disputed questions of

fact. It appears that the petitioners also raised grievance about the manner in which respondent nos.5 and 6 are functioning. Even in the impugned order, there are some observations in respect of the functioning of the school of respondent nos. 5 and 6.

14] Upon careful perusal of the reply filed by respondent nos.5 and 6, it is stated that, in spite of number of directions issued by the authorities and respondent nos.5 and 6 to the petitioners to join school, they have not joined the said school, thereafter, by order dated 31st May, 2014, respondent nos.5 and 6 have terminated the services of the petitioners. It is further stated in the said affidavit that, the petitioners, thereafter, made grievance to the Director, VJNT, Maharashtra State, Pune, who has passed the impugned order, and the Director, VJNT, Maharashtra State, Pune issued show cause notices on the complaint filed by the

petitioners on 07.04.2015. Thereafter conducted hearing and called report from the Assistant Commissioner of Social Welfare, Nanded. After considering the reports and explanations submitted by the Headmaster as well as the President of the management, and after appreciating the grievance raised in the complaint by the petitioners, the Director of Social Welfare has passed the impugned order. Therefore, it appears that, the services of the petitioners have been terminated by the management. When the services of the employees are terminated, the aggrieved employee/employees have to assail the order of termination before the appropriate Forum. As already observed, while exercising the writ jurisdiction, it is not desirable to undertake exercise of adjudication of the disputed questions of fact, and therefore, we are not inclined to entertain this Petition. It may be open for

the petitioners to take recourse to the appropriate remedy as available in law for redressal of their grievances, including challenge to the order of termination of their services. We make it clear that, the reasons assigned in the impugned order shall not be construed as an impediment for availing of an appropriate remedy as available in law for redressal of grievance raised by the petitioners in the present Writ Petition. In case the petitioners take exception to their alleged termination, concerned Forum shall not take into consideration the observations made in the impugned order, and shall consider the rival contentions on merits and take the independent decision.

15] During the course of hearing, learned AGP appearing for the respondent-State has tendered across the bar copy of Government Resolution dated 3rd October, 2017

issued by the Vimukta Jati, Nomadic Tribes, Other Backward Class & Special Backward Class Welfare Department, Mantralaya, Mumbai. Upon careful perusal of the said Government Resolution, the various remedies have been provided to the aggrieved employee, who is working in Ashram School. It may be open for the petitioners to avail of remedies made available in the said Government Resolution or to take appropriate remedy as available in law.

16] In the light of discussion herein above, the Petition stands disposed of with liberty to the petitioners to avail of an appropriate remedy as available in law. We make it clear that, though we have discussed about the contentions raised by the parties and also the reasons assigned in the impugned order. However, we have not expressed any opinion on merits of the contentions raised by the parties, and it is left open to the

parties to agitate the said contentions on touching to the merits of the subject matter as and when occasion so arises in future.

17] With the above observations, Writ Petition stands disposed of.

18] Needless to observe that, in case the petitioners wish to avail of an appropriate remedy and in case there is delay, the concerned Forum to take into consideration the time spent by the petitioners in prosecuting the present Petition before this Court.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE