

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 85 OF 2018
IN
WRIT PETITION NO.537 OF 2016**

Seema Kanse Applicants

In the matter between

Shardashram Vidyamandir & Anr. Petitioners

Vs.

Seema Kanse & Anr. Respondents

Mr. Y.V. Divekar a/w Mr. Rohan Karande I/by M/s Divekar & Co. for the Applicant in Notice of Motion and for respondent in WP.

Ms. Smita Mane I/by The Laureate for the respondent in Notice of Motion and for the Petitioner in WP.

Mr. Manish Upadhyay, AGP for the State.

Coram : SMT. SADHANA S. JADHAV, J.

Date : 8th October 2018.

P.C.:

1 The Notice of Motion has been moved by the original respondent no.1 in the petition.

2 By the order dated 26th April 2016, this Court had issued rule and had directed the petitioner to deposit back-wages awarded by the Tribunal in this Court on/or before 10th June 2016. The statement was accepted by the petitioner. The petitioner has deposited an amount of Rs.11,84,855/-.

3 Learned counsel for the respondent submits that the petitioner has been out of service since 2014. Learned counsel for the petitioner has drawn attention of this Court to the order dated 19th October 2015 and insists that the petitioner has no objection to the withdrawal of the amount subject to the condition that the respondent is directed to furnish Bank Guarantee.

4 Taking overall conspectus of the matter, this Court is of the opinion that the respondent is entitled to withdraw the amount subject to the condition that the respondent shall furnish Bank Guarantee of any nationalised bank for Rs.5,00,000/- and for the remainder amount, the respondent shall furnish an indemnity bond and two or more solvent sureties in the like amount. The entitlement

in any case would be subject to the results of the present writ petition. In view of above directions, the Notice of Motion stands disposed of.

(SMT. SADHANA S. JADHAV, J.)