

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 4833 OF 2014

Yogesh Hemant Trigune & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO. 4869 OF 2014

Ravindra Yashwantrao Desale & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO. 5884 OF 2014

Nitin Jagannath Jadhav & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO. 7259 OF 2014

Sunil Vilas Wadekar & Anr. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

Ms. Pramila P. Hingmire for the Petitioners.
Mr. A. I. Patel, AGP for Respondent Nos.1 to 3-State.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**
DATE : 12th JULY, 2019.

P.C. :

1. Private institutions imparting education till the senior secondary level can be classified in the State of Maharashtra in two categories. Category 1 comprises such private institutions which are receiving grant-in-aid from the State Government. Category 2 would be the institutions which are not receiving grant-in-aid.
2. Both the categories are recognized by the State to carry on activities of imparting school education. Pertaining to second category, the umbrella legislation is the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules of 1981 framed thereunder.
3. In the Writ Petitions there are no averments that the Petitioners are employees of which category of recognized institutions, and unfortunately not even the name of the institution has been disclosed in the Petition. The institute has not even impleaded as Respondent.
4. Reliance in the Writ Petition is on the Regulation Act of 1977 and the Rules framed thereunder. The grievance pertains to non payment of salary to the Petitioners as envisaged by the Act of 1977 and the Rules of 1981.
5. Suffice it to state that the salaries of teaching as well as non-teaching employees of private recognized schools which are not receiving wages are as per Schedule 'C' under Rule 7 of the Rules 1981.
6. In the absence of the name of the school disclosed in the Petitions and the schools not being impleaded as Respondents, we dispose of the Petitions directing the Education Officer (Secondary) of Zilla Parishad,

District Satara; Education Officer (Secondary) of Zilla Parishad, District Sindhudurg and Education Officer (Secondary) of Zilla Parishad, District Raigad to receive representations from the Petitioners, which representations the Petitioners shall submit within four weeks from today. On receipt of the representations, the respective schools under which the Petitioners work would be served through the Head Master or the Principal. Representation would be supplied to the Head Master or the Principal. Response would be sought. Order would be passed on the representation and needless to state the issue to be decided by the Education Officer would be whether the Petitioners have received wages as per law. The necessary decision shall be taken and enforced within six months from today.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]