

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 6837 OF 2015

Raman Jaggnath Patil

.. Petitioner

Vs.

Head Master,

Sarvajanik Madhyamik Vidyamandir & Ors. .. Respondents

Mr. J. H. Oak for the Petitioner.

Mr. M. M. Pabale, AGP for Respondent No.4.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.

DATE : 13th JUNE, 2019.

P. C. :

1. Pleadings are inchoate in the Writ Petition but during interaction with Counsel for the Petitioner and the Education Officer, the position which emerges is that the 1st Respondent-School has been established by the 3rd Respondent-Trust. The school is partly aided, meaning thereby posts created by the school which are sanctioned by the Government result in grant-in-aid being disbursed to the school for the payment of salary to the said teachers. Posts created by the school and not sent for approval to the Government result in a private employment of said post-holders under the school.

2. There are no pleadings of any statutory liability cast upon the school to pay wages to the second categories of employees.
3. Claim in the Petition is against the school for wages.
4. For service related dispute concerning salary from private employment would require a suit to be filed unless the private employment is governed by statutory rules. Then alone a Writ Petition would lie.
5. In the absence of proper pleadings, learned Counsel seeks leave to withdraw the Writ Petition with liberty to file a fresh Writ Petition pleading facts and legal position with clarity to claim the relief as claimed in the instant Petition.
6. Granting liberty as above, the Writ Petition is dismissed.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]