

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 5116 OF 2016

Shri Sonwalkar Shirishkumar Jagannath .. Petitioner
Vs.
Shri Chhatrapati Shikshan Sanstha & Ors. .. Respondents

Mr. S. V. Pitre for the Petitioner.
Ms. Nisha Mehra, AGP for the Respondent No.4-State.
Mr. A. P. Kulkarni for Respondent No.1.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**
DATE : 4th JULY, 2019.

P. C. :

1. Request made by learned Counsel for Respondent Nos.1 and 2 for hearing to be deferred is declined.
2. Case pleaded by the Writ Petitioner is that the 1st Respondent-Trust has established the 2nd Respondent-School at Bhavaninagar, Pimpili, Taluka-Baramati, District-Pune. That the school is a recognized school receiving 100% grant-in-aid from the State Government. It is pleaded that the Petitioner was appointed as an Assistant Teacher on 19.11.1997 as per order, Exhibit 'A' and on 01.08.1998 he was issued another appointment order, Exhibit 'B', appointing him as an Assistant Teacher at a consolidated pay of ₹ 500/- p.m. effective from 01.08.1998 till the academic year ending on 30.04.1999. The Petitioner pleads that he continued to work with the school post 1999 and made various

representations that consolidated salary paid to him in a sum of ₹ 1,000/- p.m. was contrary to what was payable to him under the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977 and the Rules of 1981 framed thereunder. Though not pleaded, the salary of employees of private schools which are unaided has to be paid as per scale prescribed in Schedule 'C' to the Act. For employees working in aided schools and against posts sanctioned by the Education Department, the salary paid as per grants released by the Government which is equivalent to salaries paid to the teachers in Government schools.

3. It is pleaded by the Petitioner that the cry of anguish made to the management were not heeded to. Not only was he not paid salary as per scale applicable but after 2012 none was paid. Further case pleaded by the Petitioner is that this oppressive attitude of the management was targeted against one Sarjerao Nivrutti Shingade and Sutar Anil Tulshiram who filed Writ Petition Nos. 242 of 2009 and 3694 of 2010 which were disposed of on 30.11.2009 and 18.10.2010 respectively directing that the Deputy Director of Education, State of Maharashtra shall consider representations made by the said two persons and after seeking response from the management shall pass suitable orders and shall ensure compliance with them.

4. The Petitioner has not pleaded that he made any representation to the Deputy Director of Education, State of Maharashtra.

5. In absence of any pleading in the Writ Petition to the effect that the Petitioner was appointed against a sanctioned aided post and the only averment being that the Petitioner was appointed by the 2nd

Respondent School which is a recognized school receiving grant-in-aid, we dispose of the Petition passing similar directions which were issued by a Division Bench of this Court in Writ Petition Nos.242 of 2009 and 3694 of 2010.

6. The Petitioner shall file a detail representation to the Deputy Director of Education, Pune Region. Along with representation, the Petitioner shall enclose such documents on which the Petitioner relies. The Deputy Director of Education, Pune Region shall call for a response from the 1st and 2nd Respondents who shall be served by the Petitioner with a copy of the representation which he makes to the Deputy Director of Education, Pune Region. The Deputy Director of Education, Pune Region shall seek a written response to the representation of the Petitioner from Respondent Nos.1 and 2. The said Respondents shall supply a copy of the response to the Petitioner before filing the same with the Deputy Director of Education. A date would be notified by the Deputy Director of Education for personal hearing to be granted to the Petitioner and the representative of the 1st and 2nd Respondents. Such records which Deputy Director of Education requires for a decision, on being intimated to the 1st and 2nd Respondents, shall be filed or produced by them before the Deputy Director of Education.

7. Reasoned decision would be taken and communicated to the parties. The decision shall be enforced by the Deputy Director of Education subject to Petitioner or Respondent Nos.1 and 2 availing remedy as per law.

8. Compliance be made by the Deputy Director of Education, Pune

Region within six months of receipt of representation from the side of the Petitioner to him.

9. The Petitioner shall obtain a copy of this order and after authenticating the same furnish it along with his representation to the Deputy Director of Education, Pune Region.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]