

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

WRIT PETITION NO.6874 OF 2016
WITH
CIVIL APPLICATION NO.12696 OF 2018
IN WP/6874/2016
WITH
CIVIL APPLICATION NO.3343 OF 2017
IN WP/6874/2016

SHIRIN ILIYAS MIRZA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioners : Ms.Ansari A.N.
AGP for Respondents 1 to 3 : Shri P.S. Patil
Advocate for Respondent 4 : Shri G.V.Wani
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 24th September, 2021

Per Court :-

1. The petitioners, whose status is not described in the memo of the petition, claim to be teaching and non teaching staff of the school. They have put forth prayer clauses B and C as under :-

“B) The Respondent No.4 be directed to make the payment of salary to petitioners in prescribed pay scale of the posts from the dates of appointments by issuing any appropriate writ order or direction as the case may be.

C) *To direct the Respondent No.4 to pay the difference of payment of salary of the petitioner in pay scale from the dates of their appointments onwards, with interest till the same is actually paid, by issuing any appropriate writ order or direction as the case may be.”*

2. We have heard the learned advocates for the respective sides for quite sometime. It is undisputed that M.I.Teli Urdu High School, Bhusawal, District Jalgaon has been closed down and the proposal for sanctioning permanent closure is pending with the Education Officer (Secondary).

3. On 14.09.2021, the learned advocate representing respondent No.4/ Municipal Council was instructed to make two statements. Firstly that, unpaid honorarium of the petitioners has been paid and secondly, their proposal to the Directorate of Municipal Administration has been forwarded. Today, a copy of the communication by the Chief Officer, Bhusawal Municipal Council dated 16.09.2021 addressed to the Director of Municipal Administration (two pages) is placed before us. Copies of the same have been earmarked for the petitioners. The said proposal dated 16.09.2021 is taken on record and marked as “X” for identification.

4. The learned advocate for respondent No.4/ Municipal Council submits, on instructions, that if there is any shortfall in the payment of honorarium, same would be cleared inasmuch as, the honorarium would be paid till the decision as regards absorption of these petitioners is intimated.

5. In view of the above and keeping in focus that the school has been closed down, though it's proposal for closure is pending and not a single student has been admitted, we are disposing off this Writ Petition with the following directions :-

(a) Respondent No.3 shall decide the pending proposal for closure of the school strictly in accordance with the procedure laid down in law and the rules applicable, on or before 31.12.2021.

(b) Respondent No.4 would continue to pay honorarium to these petitioners till the decision as regards their absorption is announced.

(c) Since the proposal "X" has been forwarded to the Director of Municipal Administration, we expect the said authority to take a decision in accordance with the policy of the Government on the said proposal, on or before 31.12.2021.

(d) In the event of the petitioners are aggrieved by the

decision of the Director of Municipal Administration or the decision of the Education Officer (Secondary), they would be at liberty to seek redressal of their grievance before the appropriate forum.

6. In view of disposal off the Writ Petition, the pending Civil Applications do not survive and stand disposed off.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)