

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

924 WRIT PETITION NO.12141 OF 2018

MAHARASHTRA RAJYA ASHRAM SCHOOL VISTIGRUH ADHIKSHAK
AND SHIKSHAKETTAR KARMACHARISANSHTANA AND ANR

VERSUS

STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. S. P. Brahme h/f Mr. A . D. Pawar

AGP for Respondents/State: Mr. P. S. Patil

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**CORAM : UJJAL BHUYAN &
M. G. SEWLIKAR, JJ.**

DATE : 17th March, 2021

P.C. :

. Heard learned counsel for the parties.

2. Petitioner No.1 in this case is the Maharashtra Rajya Ashram School Vastigruh Adhikshak and Shikshakettar Karmachari Sanghtana and petitioner No.2 is its Secretary. It is stated that petitioner No.1 espouses the cause of the non-teaching employees working in ashram schools run by the Social Welfare Department, Government of Maharashtra, including Hostel Superintendent, Kamathi, Madatnis, Cook and Peon.

3. Petitioners are aggrieved by letter dated 5.9.2018 issued by the Director of Vimukta Jati, Nomadic Tribes, Other Backward

Class and Special Backward Class, Maharashtra State as well as the subsequent Government Resolution dated 23.01.2019.

4. Without entering into the rival contentions advanced at the bar, we notice that principal grievance of the petitioners is stoppage of house rent allowance to the Hostel Superintendent and recovery of house rent allowance from those who had already received the same.

5. We find that though individual members of petitioner No.1 have made representations now and then, grievance of the petitioners as indicated above have not been ventilated in a structured manner before the Government of Maharashtra and, therefore, the Government of Maharashtra has had no occasion to deal with the same.

6. This Court in a proceeding under Article 226 of the Constitution of India, would exercise jurisdiction when there is refusal on the part of the public authority to act on the demand raised before it.

7. That being the position and without expressing any opinion on merit, we are of the view that it would be more appropriate if the petitioners file a detailed representation before the competent authority and on such representation being filed, the said

authority may consider the same in accordance with law and take an appropriate decision thereon expeditiously.

8. Accordingly, we direct that petitioners should file a detailed representation before the Secretary to the Government of Maharashtra, Vimukta Jati, Nomadic Tribes, Other Backward Class and Special Backward Class within a period of four weeks from today and on such representation being made, the said Secretary shall consider the same in accordance with law, if necessary by granting reasonable opportunity of hearing to the petitioners, and thereafter take an appropriate decision in the matter by way of a speaking order which should be duly communicated to the petitioners.

9. Let such decision be taken within a period of four months from the date of receipt of the representation.

10. All contentions are kept open.

11. During this period, respondents shall not take coercive action against the members of petitioner No.1 so far as recovery of house rent allowance is concerned.

12. Writ petition is accordingly disposed of.

(M. G. SEWLIKAR, J.)

(UJJAL BHUYAN, J.)