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

42 WRIT PETITION NO.2036 OF 2022

SMT. AHMADI SIDDIQUI ABDUL MAJID
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr A. H. Kasliwal, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondent Nos.1 to 3
Mr R. I. Wakade, Advocate for respondent Nos.4 & 5

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th June, 2022

PER COURT:

1. During the hearing of this petition, the learned A.G.P. rightly submitted that, an ongoing battle between the Management and the present petitioner/ employee led to the suspension of the petitioner, initially, and subsequently her termination. On 31/07/2015, she succeeded before the School Tribunal in Appeal No.1/2014. By the Judgment dated 23/07/2021, delivered in Appeal No.34/2015, she succeeded in getting her termination order dated 28/10/2015, quashed and set aside.

2. He further submits and rightly so, that if the Management does not obtain the prior permission of the Education Officer to

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suspend an employee and subsequently, if such employee succeeds in litigation, the State Government is not liable to pay the wages for the suspension period, as no permission of the Education Officer has been obtained, prior to placing the employee under suspension. Such payment has to be made by the Management. We find that, the submissions of the learned A.G.P. are sound and well placed.

3. A seriously disputed issue is raised before us, as regards the payment of wages, the suspension allowance and the back-wages. Nevertheless, the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, cannot be converted into an Executing Court. Section 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short 'the Act'), adequately takes care of the interest of the litigant, who had succeeded before the Tribunal under Section 9 of the Act and an order/judgment has been delivered in his/her favour under Section 11 of the Act. The petitioner, therefore, has a statutory remedy of getting the order of the School Tribunal executed under Section 13, inasmuch as, the School Tribunal can even award punishment to the errant Management.

4. In view of the above, this petition is disposed off, with a direction to the petitioner to avail of a statutory remedy under Section 13 of the Act. The time spent by the petitioner in this Court, since 27/01/2022, till the passing of this order, would be a good ground for condonation of delay, if the situation so arises.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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