

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

915 WRIT PETITION NO.14009 OF 2021

**SYEDA RUBINA QUADRI SYED ATAULLAH QUADRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S. S. Kazi, Advocate for the petitioner
Smt. M. A. Deshpande, AGP for respondent No. 1
Mr. V. C. Patil, Advocate h/f Mr. U. B. Bondar, Advocate for
respondent No. 2.

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

DATED : 21st April, 2022

PER COURT :-

1. By this petition, the petitioner prays for a writ of mandamus to a private institution respondent Nos. 3 to 5 to pay her unpaid salaries from 14th July, 2009 to 14th April, 2021 with 18% percent interest. This petition is filed on 14th December, 2021.

2. We find that the very same petitioner had earlier approached the Civil Court by filing a recovery suit R.C.S. No. 1969 of 2012 (Old Spl. C .S. No. 22/2009).

3. There is no dispute that the State is not involved in the issue before us as regards recovery of unpaid salary of the petitioner from a private institution. The order dated

8th September, 2008 passed by the learned Division Bench of this Court in Writ Petition No. 1872 of 2008 clearly indicates that the Management has to pay the salary. It was also mentioned that if the Management does not pay the salary, the petitioner is at liberty to seek recovery of the said payment from the said Management.

4. In view of the above and in view of the fact that the petitioner had earlier approached the Civil Court by filing a recovery suit for some unpaid salaries, it would be appropriate to decline this petition under the writ jurisdiction. This petition is, therefore, dismissed.

5. Subject to the law of limitation, the petitioner may avail of the statutory remedy as is permissible in law for recovering the salary from the private institution.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

ssp