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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8746 OF 2015

Daundkar Yashwant Maruti and Ors.	... Petitioners
V/s.	
Shree Shail Mallikarjun Educational Trust and Ors.	... Respondents

***with
INTERIM APPLICATION NO.1852 OF 2022***

Shree Shail Mallikarjun Educational Trust and Ors.	... Applicants
V/s.	
Daundkar Yashwant Maruti and Ors.	... Respondents

Ms. Kumud Bhatia for the Petitioners
Mr. Narendra V. Bandiwadekar i/b. Ashwini Bandiwadekar for
Respondent Nos. 1 to 3.
Mr. N.K. Rajpurohit, AGP for the Respondent – State

***CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.***

DATE : 4 APRIL 2022

P.C. :-

Heard the learned Counsel for the parties.

2. By this Petition the Petitioners are claiming payment of their salary as per the prescribed pay scale and that too with retrospective effect from the date of the appointment of each of the Petitioners. There are also other allied reliefs claimed by the Petitioners.

3. According to the Petitioners, the Petitioners having been appointed by the Respondent Nos.1 to 3 as teachers and clerk in the Secondary and Primary School run by the Respondent No.1 and having rendered continued service without any break, are entitled to receive the salary as per the pay scales prescribed by the State. However, such claims of the Petitioners are disputed by the Respondent Nos. 1 to 3 whose stand is that the Petitioners were appointed so without issuance of any advertisement and were appointed on a consolidated pay and therefore, the Petitioners are not entitled to receive higher pay scale. It is also submitted by the Respondent Nos. 1 to 3 that the Petitioners never made any demand from the Management for applying higher pay scale to them.

4. The Petitioners are claiming payment of higher pay and therefore, it would be necessary for the Petitioners to file on record their appointment orders. However, they have not filed the appointment orders. The Petitioners are also silent upon their appointments having been made by following any due process. The

Petitioners admit that they had never made any demand from the Management for payment of salary to them as per higher pay scale.

5. In these circumstances, we are of the opinion that the Petition is not maintainable, there being no document to support the right claimed by the Petitioners and admittedly, their being no written denial of the right of the Petitioners.

6. The Petition is, therefore, summarily dismissed. We grant liberty to the Petitioners to approach the Management for redressal of their grievance.

7. The amount deposited by the Respondent Nos. 1 to 3 is permitted to be withdrawn by the Chairman or Secretary of the Respondent No.1.

8. Interim Application is disposed of accordingly.

G.A. SANAP, J.

SUNIL B. SHUKRE, J.

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