

This order is corrected as per the speaking
to the minutes of the order dated 31.10.2023

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

WRIT PETITION NO.15382 OF 2019

1. Shaikh Tasleem Ahmed s/o Shamim Ahmed
2. Siddiqui Ateeque Ahmed s/o Faqueer Ahmed
3. Khan Mustafa Ali Asif s/o Khan Arif Ali Khursheed ... **PETITIONERS**

VERSUS

1. The State of Maharashtra,
through the Secretary,
Skill Development & Entrepreneurship
Department, Mantralaya,
Mumbai 400 032.
2. The Principal Secretary,
Medical Education &
Drugs Department,
Mantralaya, Mumbai 400 032.
3. The Principal Secretary,
School Education Department,
Mantralaya, Mumbai 400 032.
4. The Director of Vocational Education
& Training, 3, Mahapalika Marg,
V. T., Mumbai 400 001.
5. The Joint Director,
Vocational Education & Training,
Near Bhadkal Gate, Aurangabad 431 001.
6. District Vocational Education &
Training Officer, Near Bhadkal Gate,
Aurangabad.
7. Bhagwan Shikshan Prasarak Mandal,
Dr. Y. S. Khedkar Marg, CIDCO,
N-6, Aurangabad 431 003,
through its Secretary
Dr. Rajeev Yadavrao Khedkar ... **RESPONDENTS**

...
Advocate for petitioner : Mr. Deshpande Ajay S.
AGP for Respondents/State : Mr. S.B. Yawalkar
Advocate for respondent No.7 : Mr. A.M. Karad
...

CORAM : **MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : **20.10.2023**

PER COURT :

Heard the learned counsel for the petitioners, the learned AGP as well as the learned advocate Mr. A.M. Karad for the respondent No.7 – Management.

2. The facts in brief leading to this petition may be summarized as under:

3. The respondent No.7 was running a Para-Medical Junior College and was receiving grant-in-aid from the State Government. It appears that it had decided to abandon the activity and did not participate in the centralized admission process. The petitioners who were in the employment of the respondent No.7 in that college were not paid salaries and were not even being absorbed. The recognition of the respondent No.7's – College was withdrawn pursuant to the order dated 25.11.2019. Subsequently, the petitioners were absorbed in different colleges and the only issue that survives for the consideration of this Court is regarding the unpaid salaries of the petitioners since December 2018 till the time they were absorbed in some other college which was around September or October 2022.

4. The order passed by the respondent No.5 dated 25.11.2019 was never challenged by the respondent No.7. It expressly indicated as to the manner in which the respondent No.7 had acted and as to how it had

resulted in closure of the college without following due process. It was expressly indicated therein that it would be the sole responsibility of the respondent No.7 to pay salaries of its staff.

5. Once having seen that the recognition or permission of the respondent No.7's - College was expressly withdrawn and it was indicated that it would be the responsibility of the Management to pay the salaries, when admittedly the respondent No.7 has suffered this order, it would be well nigh clear that being an employer it would be the primary responsibility of the respondent No.7 to pay the salaries to the petitioners.

6. In the affidavit-in-reply filed by the respondent No.7, the endeavour has been made only to demonstrate as to how the issue regarding absorption could be tackled. There is absolutely no whisper as to how it can shirk its responsibility to pay to its employees.

7. To the extent that the petitioners have been absorbed in different college/colleges, the prayer regarding absorption stands duly complied. As far as arrears are concerned, irrespective of the fact that initially the respondent No.7 was receiving the grant-in-aid, it would not be entitled to pass on the responsibility to the State for the simple reason that it has suffered the order dated 25.11.2019.

8. In the circumstances the petition deserves to be allowed to the extent of the arrears of salaries from December 2018 till the petitioners were absorbed in some other institute.

9. The writ petition is allowed. The petitioners are held entitled to

receive the salaries from December 2018 till the time they were absorbed in the other institutes around September – October 2022. The respondents Nos.5 and 6 shall calculate the arrears of the petitioners' salaries and communicate that to the respondent No.7 under intimation to the petitioners. Respondent No.7 shall thereafter pay the arrears to the petitioners as expeditiously as possible and in any case within four months of receipt of the communication. If the arrears are not paid within the stipulated time, the amount shall carry simple interest @ 6% per annum from the date of communication till realization of all the arrears.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)