

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 5427 OF 2022

(Datta Prabhu Shikshan Sanstha, Pipla ..vs.. State of Maharashtra, through its Secretary, Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.D. Khamborkar, Counsel for the petitioner,
Mr. N.S. Rao, AGP for respondents 1 to 3.

**CORAM : ROHIT B. DEO &
MRS. VRUSHALI V. JOSHI, JJ.**
DATED : 21-03-2023

The petitioner is seeking direction against respondent 3-Education Officer (Secondary), Zilla Parishad, Nagpur to grant approval to the appointments of employees mentioned in the list Annexure-10.

2. The contention of the petitioner is that Swami Vivekanand and Junior College was started in the year 1987 on no grant basis. The school started receiving 25% grant in 1991 and was considered 50% grant in due course. According to the petitioner, since 1993-94 the petitioner became entitled to 100% grant-in-aid, which for reasons not disclosed in the petition, the school did not receive. Pursuant to the certain complaints the school was closed down vide order dated 07-4-2001.

3. In essence, what the petitioner is seeking in the present petition is redressal of perceived grievance for which the cause of action arose in the year 1993-94. The

intention underlying the institution of the petition is obvious.

4. The employees of the school preferred Writ Petition 53/1996 which was decided by the High Court on 21-9-2011 and the High Court directed the petitioner to pay the salary of thirteen employees. While the entitlement of the employees to receive the salary from the employer-petitioner stands crystallized in view of the judicial order, and which judicial order the petitioner challenged in Special Leave Petition 4766/1997 which came to be dismissed, as was the review, the petitioner has presumably filed the instant petition only to escape the consequences of the disobedience of the order of the High Court. It appears that the employees have also preferred contempt petition which is pending.

5. We cannot and will not permit the petitioner to rake up an issue which pertains to the year 1993-94, in the year 2022.

6. The petition is dismissed.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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