

JPP

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

WRIT PETITION NO. 2381 OF 2023

Ingale Dagadu Mahadev and Ors. ... Petitioners

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Sagar A. Mane for the Petitioners

Ms. Nisha Mehra, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 01 FEBRUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioners are working with the Respondent No.3 – Education Institute for whose posts there is no grant-in-aid from the State. The Petitioner Nos. 1 and 3 are working. The Petitioner No.2 is no longer in the service. His claim is in respect to the salary during the period of his service.

3. The grievance of the Petitioners is that the Respondent – School is not paying the salary to them as per the provisions of

Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977 and Rules, 1981. The State of Maharashtra, by Government Resolution dated 1 October 2019 has constituted a Grievance Redressal Committee for the dispute such as the present one, that is between the employees and the management which do not fall within the scope of Section 9 of the MEPS Act, 1977.

4. That being the position, we grant liberty to the Petitioners to approach the said Grievance Forum. Since the grievance of the Petitioners is regarding non-payment of the salary as per the Rules, if the Petitioners move an application before the Grievance Forum within a period of three weeks from today, the Grievance Forum to take necessary decision within a period of six weeks thereafter, subject to earlier time bound directions. Needless to state that if the Grievance Forum passes an order in favour of the Petitioners, the Respondent Nos. 1 and 2 will render all the necessary assistance as per law for implementation of the recommendation/order of the Grievance Forum.

5. The Writ Petition is accordingly disposed of. Since the Respondent – Management is not before us, we keep all contentions open.

M.M. SATHAYE, J.

NITIN JAMDAR, J.