

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6765 OF 2018
WITH
CIVIL APPLICATION NO. 2127 OF 2018

Suman Sachin Jain And Ors.	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

WITH
WRIT PETITION (ST) NO. 209 OF 2021
WITH
WRIT PETITION (ST) NO. 215 OF 2021
WITH
WRIT PETITION (ST) NO. 6104 OF 2022
WITH
WRIT PETITION (ST) NO. 6144 OF 2022
WITH
WRIT PETITION NO. 6767 OF 2018
WITH
WRIT PETITION NO. 6080 OF 2021
WITH
WRIT PETITION NO. 6082 OF 2021
WITH
WRIT PETITION NO. 6081 OF 2021
WITH
WRIT PETITION NO. 4410 OF 2024
WITH
WRIT PETITION NO. 14687 OF 2023

Mr.Suresh Pakale, Senior Advocate a/w Nilesh Desai i/b S.M. Katkar
for the Petitioners in all petitions.

Mr. Aditya Deokar, AGP for Respondent/State in all petitions.

Mr. Vishwajeet Sawant, Senior Advocate a/w Nitin Dhumal for
Respondent/Management in all petitions.

Mr. Rui Rodrigues for Respondent No.3 in WP/6767/2018.

Mr. Rajendra Anbhule for Respondent No.4 in WP/6767/2018 and for Respondent No.5 in WP/6765/2018.

Ms. Shalaka More i/b Anjali Helekar for Respondent No.3/AICTE in WP (ST) Nos. 6104/2022, 6144/2022, in WP Nos. 6080/2021, 6081/2021 and 4410/2024.

Ms. Aparajita Jha i/b Rahul Kamerkar for Respondent No.2 (CBSE) in WP Nos. 6082/2021 and 14687/2023.

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

DATE : 2 SEPTEMBER 2024

P.C. :

. In these petitions which are pending since 2018, various orders are passed. This order is in continuation to the earlier orders, to be read along with the same.

2. Reply affidavit is filed by one Prakash R. Patil, the Director of Respondent No.6 Society wherein in paragraph 9, the deponent has stated as under:

“9. Thereafter, considering the substantial loss caused during the Covid 19 pandemic on account of less number of admissions and timely non-payment/ disbursement of fees in respect of reserved category students by the State Government as per their policy decision, the management of respondent No.6 Society has taken a decision not to pay House Rent allowance to its all employees for the limited period i.e. April 2020 to March 2022. I say that HRA allowance is not a part of salary, but a compensatory allowance. As per the AICTE norms, it is mandatory on the part of private Educational Institutions to pay the basic pay

scale as prescribed by the AICTE. So far HRA allowance is concerned no employee can claim HRA allowance as of right. I say that considering the financial condition of the respondent society HRA allowance was not granted for a limited period during the Covid-19 pandemic and the said HRA allowance was subsequently restored after April 2022, I say that as of the date, the respondent Society has duly paid a full salary (i.e. Basic salary with allowances) to all employees (petitioner teachers as well as non-petitioners) I say that after deducting the HRA allowance from the total amount due and payable towards allowances for the period April 2020 to March 2022 comes to Rs. 18,34,11,512/-. A copy of resolution dt. 05.05.2022 by the Managing Council of the Respondent No.6 Society is hereto annexed and marked as EXHIBIT- A1.”

Therefore, even as per Respondent Nos.6 to 17, the amount comes to Rs.18,34,11,512/-. A copy of resolution of the Managing Council is annexed. The learned counsel for the Respondent-Educational Institute seeks time on the ground of financial difficulties for at least 3 months.

3. We have perused the record and the earlier orders. It is only out of indulgence that we accede to the request, however with conditions. Therefore, we direct the Respondent No. 6 Institution to pay the amount mentioned in paragraph 9 of the reply by 18 November 2024. If three months time as sought for is to be granted to the Respondent-Educational Institute, there has to be responsibility placed on the Respondent-Educational Institute and the consequences for non compliance. We place the responsibility of

ensuing the payment by 18 November 2024 on all the Directors-Trustees of Respondent No.6-Educational Institute. Respondent No.6 within a period of one week will furnish the names and details of the Directors of the Respondent No.6-Educational Institute by way of an affidavit. We make it clear that we bind the aforesaid Directors-Trustees of Respondent No.6 to adhere to the timeline.

4. The Petitions be listed under caption 'for Reporting Compliance' on **18 November 2024**.

5. As regards the contentions of the Petitioners that there are other amounts due than the one stated in the paragraph 9 of the Reply, which is disputed, the same would be considered on the next date of hearing.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)