

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6208 OF 2024

Rizvi Education Society & Anr.

.. Petitioners

Versus

Pushpa Bhinde & Anr.

.. Respondents

WITH

WRIT PETITION NO. 3660 OF 2021

.....

- Mr. Yashodeep P. Deshmukh a/w Mr. Mahesh Mishra for Petitioners
- Mr. Prashant Chaturvedi for Respondent No. 1
- Ms. V.R. Raje, AGP for Respondent No. 2 - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 10, 2024

P. C.:

1. Mr. Deshmukh, learned Advocate for Petitioners; Mr. Chaturvedi, learned Advocate for Respondent No. 1 and Ms. Raje, learned AGP for Respondent No. 2 – State. Mr. Deshmukh has entered his appearance after the matter was over, since the matter despite been on board was taken up out of turn at 2:30 p.m. Hence I have allowed his appearance.

2. Pursuant to the order dated 08.05.2024, learned AGP has taken express instructions from Respondent No. 2 – Dy. Director of Education and has filed affidavit-in-reply dated 09.05.2024. The said affidavit is taken on record across the bar. Copy of the same is also given to Respondent No. 1 who is the aggrieved party before me. It shall also be served on Petitioners. Though the Writ Petition is filed by the

Education Society and an exparte stay has been obtained on the attachment warrant in Execution Proceedings, in view of the substantive stand taken by Respondent No. 2 as enumerated in paragraph No. 6 read with paragraph No. 9 of the affidavit filed today, it is the Petitioner – Education Society who would be responsible for payment of the back wages to the Respondent No. 1. It is also seen that as far back as on 05.05.2022, Petitioner No. 1 has submitted a proposal for back wages as stated in paragraph No. 5 of the affidavit but the said proposal has been rejected by the Respondent No. 2 on certain grounds which are stated in the letter dated 28.07.2022. Thereafter it is seen that there is a hiatus and Respondent No. 1 is left languishing to recover her dues and made to run from pillar to post. This is a very serious case. Either the Petitioners or Respondent No. 2 will need to explain this to the Court. Though Respondent No. 1 will have a legitimate defence to be submitted to the Court in view of her suspension and the subsequent correspondence exchanged between the parties at the then time, that would be considered by the Court only after hearing the Petitioner.

3. Mr. Deshmukh seeks leave to file rejoinder after considering the Affidavit filed by Respondent No. 2. Leave is granted. At his request, stand over to **10th June, 2024**. In the meantime, ad-interim relief, if any granted earlier to continue.

4.. If Respondent No. 1 is aggrieved and if there is any exigency, Respondent No. 1 is also at liberty to move the Vacation Bench for that purpose.

5. Stand over to 10th June, 2024.

Amberkar

[MILIND N. JADHAV, J.]

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