

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO. 11280 OF 2024

Syeda Amera Bano
Age – 29 Years, Occ. Service,
R/o. Shaha Bazar, Behind Nashan,
Aurangabad, Tq. & Dist. Aurangabad

...Petitioner

VERSUS

1. Maulana Azad Educational Trust,
Dr. Rafiq Zakaria Campus-1,
Roza Baugh, Near Taj Residency,
Aurangabad, Tq. & dist. Aurangabad
Through Its Chairman
2. Maulana Azad Educational Trust,
Dr. Rafiq Zakaria Campus-1,
Roza Baugh, Near Taj Residency,
Aurangabad, Tq. & Dist. Aurangabad
Through its Secretary
3. Model High School,
Navkhanda, Jubilee Park,
Aurangabad, Tq. & Dist. Aurangabad
Through its Head Mistress

...Respondents

...

WITH
WRIT PETITION NO. 11414 OF 2024

Shaikh Meraj Basheer,
Age – 33 Years, Occ. Service,
R/o. Mill Corner, Kotwalpura
Aurangabad, Tq. & Dist. Aurangabad

...Petitioner

VERSUS

1. Maulana Azad Educational Trust,
Dr. Rafiq Zakaria Campus-1,
Roza Baugh, Near Taj Residency,
Aurangabad, Tq. & dist. Aurangabad
Through Its Chairman

2. Maulana Azad Educational Trust,
Dr. Rafiq Zakaria Campus-1,
Roza Baugh, Near Taj Residency,
Aurangabad, Tq. & Dist. Aurangabad
Through its Secretary

3. Model High School,
Navkhanda, Jubilee Park,
Aurangabad, Tq. & Dist. Aurangabad
Through its Head Mistress

...Respondents

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Mr. Vijay V. Deshmukh, Advocate for the Petitioner
Mr. Praveen S. Dighe, Advocate for Respondent No.3

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CORAM : ROHIT W. JOSHI, J.
DATED : 30th JULY 2025

ORAL JUDGMENT :-

1. The petitioners in both these petitions have filed a Contempt Petition under Section 13 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 alleging non-compliance of judgment and order dated 23.04.2018 passed by the learned Presiding Officer, School Tribunal, Aurangabad in Appeal Nos.17 of 2017 and 18/ of 2017.

2. It is undisputed that both the petitioners have since then been reinstated in service. Apart from reinstatement, relief of continuity in service with 50% backwages was also awarded by the learned Tribunal. The respondent-management has filed pursis vide 'Exhibit-17' in both Contempt Petitions stating that the order is duly complied by granting reinstatement and also making payment of backwages as

ordered. The petitioner/employees denied the contention that backwages were paid as per judgement and order passed by the learned Tribunal although, the fact that they have been reinstated in service was not denied. The learned Tribunal has disposed of the Contempt Petition accepting the statement made in the pursis vide Exhibit-17 vide order dated 22.04.2024. The orders passed below the pursis Exhibit-17 in the Contempt Petitions are under challenge.

3. Admittedly, the impugned orders are passed without hearing both the sides.

4. In view of the above, the impugned orders dated 22.04.2024 passed by the learned Presiding Officer, School Tribunal below Exhibit-17 in Contempt Petition No.07 of 2018 and Contempt Petition No.08 of 2018 are quashed and the matters are remitted back to the learned Tribunal for passing appropriate orders on the pursis filed by management at 'Exhibit-17'. The parties shall appear before the learned Tribunal on 25.08.2025 for which separate notice will not be issued.

5. It will be open for the respondent-management to contend that having regard to the scope of jurisdiction under Section 13 of the Maharashtra Employees of Private Schools (Conditions of Services)

Regulation Act, 1977, correctness of calculations of backwages may not be permissible in the said proceeding.

6. All rival contentions are kept open. In the event, the learned Tribunal rejects the contention raised by management in its prayers filed vide Exhibit 17, the learned Tribunal shall proceed further with adjudication of Contempt Petitions on merits.

7. Petitions stand disposed of in above terms.

[ROHIT W. JOSHI, J.]