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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10789 OF 2012

Shri. Pansade Asharam Raghunath And Ors

... Petitioners

Versus

Sharada Shikshan Prasarak Sanstha, Sanganer, And
Ors

... Respondents

*Mr. Sarang S. Aradhye and Mr. Shantanu Gurav, for the Petitioners.
Mr. A. A. Naik, AGP for the Respondent-State.*

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.
Date : October 8, 2025.

P. C. :

1. This Petition is of the year 2012. The Respondent No. 1 has been duly served and was previously represented by an Advocate, as per office noting dated 9th July, 2013.
2. By order dated 8th March 2017, this Court passed the following order.

“We find that respondent has not filed the reply as yet. By way of last indulgence, respondent is granted three weeks time for the same. List the matter on 31st March 2017.”

3. Thereafter on 9th September, 2021, this Court granted time to learned AGP to take instructions as to whether the salary is paid to the petitioners and to state that if it is payable, and if not paid as to when it

would be paid.

4. Thereafter on 15th September, 2021, this Court had passed following order:

“Learned Counsel for the Management to take instructions as to whether salary is paid to the petitioner as claimed or not and if any amount is payable, as to when such amount would be paid.

2. Place the matter on board for ‘Directions’ on 27th September 2021. Learned Counsel for the petitioner is directed to convey this order to the respondent no. 1-Management.”

5. We do not propose to keep Petition pending any further as the Respondent No. 1 has been duly served.

6. We have heard learned Counsel for the parties.

7. As far as Petitioner No. 3 is concerned, the Advocate for Petitioner has instructions not to press the Petition as the matter has been settled between the Petitioner No. 3 and the Management. Accordingly the communication dated 17th November, 2021, addressed by the Petitioner No. 3-Garad Ramesh Udhyav to the Advocate for Petitioner is placed on record. The Petitioner No. 3 is accordingly allowed to be deleted from the array of the Petitioners. Amendment to be carried out forthwith.

8. The Petitioners at the relevant time were working as Assistant Teachers in Maharashtra Madhyamic Vidyalaya, Pothare, Tal. Karmala, Dist. Solapur, in a Secondary School run by the Respondent No. 1-

Management as per the provisions of Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short ***“MEPS Rules”***). The Petitioners are duly qualified. The Petitioners appointments were made by the Respondent No. 1-Management after following proper procedure. The Petitioners were working without any salary since 10 to 12 years prior to the date of filing of this Petition in the year 2012.

9. The present Petition is filed taking exception to the inaction on the part of Respondent No.1-Management to pay salary to the Petitioners as per MEPS Rules. The Petitioners were duly appointed and appointment of the Petitioners were regularized and approved by the Education Officer.

10. It is pointed out that on 25th November, 2004, a meeting of the managing Committee of Respondent No. 1-Management was held in which Resolution was unanimously passed confirming the appointments of the Petitioners and other Teachers.

11. By order dated 27th November, 2004, the Education Officer (Secondary) Zilha Parishad, Solapur approved the Petitioners appointment from the date of their appointments.

12. It is submitted by the learned Counsel for the Petitioners that there is statutory obligation cast by MEPS Rules and the rules framed there under on the Management to pay salary in the scales prescribed by the rules.

13. Learned Counsel for the Petitioner relied upon the decision of this Court in the case of *Mrs. Vaishali V. Chandekar vs. State of Maharashtra*¹ in support of the submissions that it is an obligation of the Respondent-Management to pay to the Teachers of their school, the prescribed salary.

14. There is no response by the Respondent No. 1 to the claim of the Petitioners despite grant of several opportunities. The claim of the Petitioners therefore stand un-controverted.

15. We therefore allow this Petition in terms of prayer clause (d) and (e) which reads thus:

“(d) By an appropriate writ, Order or directions of this Hon’ble Court, the Respondent No.1 Management be ordered and directed to pay the Petitioners the monthly salary as prescribed under the scales of M.E.P.S. Act and the rules framed there under forthwith;

“(e) By an appropriate writ, order or directions of this Hon’ble Court the Respondent No. 1 Management be directed to pay forthwith the Petitioners the arrears of salary as well as other legal and statutory dues;”

16. The arrears to be paid within a period of 12 weeks from today, if not already paid. The Respondent No. 1-Management to pay regular salary to the Petitioners in terms of MEPS Rules.

17. Writ Petition stands disposed of in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

¹ 1998 (1) Bom. C. R. 227.