

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14441 OF 2024

Mr.Sachin Keshavrao Adhalrao ...Petitioner

Versus

The State Of Maharashtra and Ors. ...Respondents

AND

WRIT PETITION NO. 14442 OF 2024

Mr.Sanjay Pandurang Kokane ...Petitioner

Versus

The State Of Maharashtra and Ors. ...Respondents

AND

WRIT PETITION NO. 14579 OF 2024

Parameshwar Balaji Kendre ...Petitioner

Versus

The State Of Maharashtra and Ors. ...Respondents

Mr.Rahul Kadam for the Petitioners in WP Nos. 14441 of 2024 and 14442 of 2024.

Mr.Vivek Punjabi for the Petitioner in WP No. 14579 of 2024.

Mr.M.M.Pabale, AGP for Respondent No.1, State in WP No. 14441 of 2024.

Mr.V.G.Badgujar, AGP for Respondent No.1, State in WP No. 14442 of 2024.

Mr.S.P.Kamble, AGP for Respondent No.1, State in WP No. 14579 of 2024.

Mr.Narendra V. Bandiwadekar, Senior Advocate a/w Mr. Milind Deshmukh for Respondent Nos.2 to 4-Management in all Petitions.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 29TH JANUARY, 2025

P.C. :-

1. Mr.Bandiwadekar, the learned Senior Advocate for the Management, in response to the contention of the Petitioners that they are not paid their salaries though they have joined at the place of transfers, submits on instructions from an Officer present in the Court, that these Petitioners are not paid their salaries because they are remaining absent and are not working. This statement is contradicted by the learned Advocates for the Petitioners.

2. Let Mr.Bandiwadekar collect instructions as to the dates on which these Petitioners have reported for duties and have worked and whether salaries are not paid. On the days they have not remained present, the salary need not be paid. We would surely expect the Petitioners to earn their salaries for the days they have worked and we trust that Mr. Bandiwadekar would advise the Management to pay the salaries to these Petitioners for the days they have performed their duties.

3. Insofar as the ad-interim order dated 21st November, 2024 passed in Writ Petition (St.) No. 32350 of 2024, cited by Mr.Kadam, we find that it was in relation to an Ashram School, which was conducted and controlled by the Government. Clause 16 of the Ashram School Code (published by the Tribal Development Department, Government of Maharashtra), mandated that a mid-term transfer should carry reasons.

4. It is in such circumstances considering that it is an Ashram School wholly monitored by the State Government, that we had granted an ad-interim protection. In the present case, it is purely a private management that has issued transfer orders intra institutions (its own) and which act is precisely within the domain of a private management with no role for the State Government to play. Therefore, the submissions of Mr Kadam are fallacious and a result of the mis-reading of the said ad-interim order.

5. Mr.Kadam, the learned Advocate representing the Petitioners, submits that the son of a Petitioner, Mr.Sachin Keshavrao Adhalrao, is a special child and considering his illness, he needs to be treated in Pune since a specific treatment is available

only at Pune. We call upon Mr.Bandiwadekar, learned Senior Advocate for the Management, to take instructions as to whether this Petitioner can be relocated a little closer.

6. List these Petitions on **27th February, 2025.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)