

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1399 OF 2025
IN
WRIT PETITION NO. 11505 OF 2023**

Devram Sitaram Gite & Ors. ... Applicants.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Sandeep Dere, for the Applicants.
Mr. V.M. Mali, AGP for Respondent/State.
Mr. Sheroy M. Bodhanwalla, a/w. Sayali Puri, Akash Singh, Shreyas Thakur, Rohan Jadhav i/b. M.S. Bodhanwalla & Co., Advocates and Solicitors, for Respondent No. 2.
Mr. Kiran Bapat, Senior Counsel a/w. Manish Kelkar, Druti Datar, for Respondent No. 3.

**CORAM : M.S. KARNIK &
ASHWIN D. BHOBE, JJ.**

DATE : 19th MARCH, 2025

P.C. :

1. The relief prayed by this Interim Application is for direction to the Respondent No. 1 State of Maharashtra and Respondent No. 2 R.C.F. to comply the statutory provisions of MEPS Act and release the salary of the Applicants which has been withheld by the Respondent No. 2 R.C.F. w.e.f June 2024 with interest of 18% per annum till the date of its actual realisation and also direction for payment of monthly salary of

the Applicants till the final disposal of this Writ Petition.

2. The learned Counsel for the R.C.F. submitted that the accounts are being operated by the Respondent No. 3 Deccan Education Society. However, Senior Counsel Mr. Bapat appearing for the Deccan Education Society submitted that accounts are operated by Head Mistress i.e. Applicant No. 14 and Respondent No. 4 in the Interim Application in her capacity as the Principal of RCF Secondary and Higher Secondary.

3. We find that by an Order dated 6th March, 2025 in Writ Petition No. 12779 of 2024 and other connected matters, this Court had passed following order :

“1. Leave granted to the learned counsel for the petitioners to amend the cause-title insofar as description of respondent no.7 is concerned. The correction be carried out forthwith.

2. According to the petitioners, they are serving at the respondent no.7-School but they have not received their salaries since June, 2024. The learned counsel appearing for the respondent no.6 submits that all necessary documents and school records have been handed over to the school. The said respondent has no objection if the amount of salaries, subject to verification, are released. In the affidavit filed on behalf of the petitioners in Writ Petition No.12779 of

2024, dated 13th February 2025, it is stated that insofar as the Secondary Section is concerned, the bank balance available is Rs.3,06,59,250=26 and for the Primary Section, it is Rs.3,430,669=11.

3. Accordingly, the respondent no.7, through its Head Mistress, shall verify the Salary Bills of the petitioners and on being satisfied shall release the aforesaid amounts in their favour. The needful be done within a period of seven days of receiving copy of this order. Needless to state that respondent nos.5 and 6 shall co-operate in the aforesaid exercise. This direction is without prejudice to the rights and contentions of the parties.”

4. The order has already been passed and therefore, the Applicant No. 14 who is also the Head Mistress and operating the accounts, is required to verify the salary bills of the applicants as well and release the amounts, also to applicants in this application in terms of the order dated 6th March, 2025.

5. This order is passed without prejudice to the rights and contentions of the parties including the objection of maintainability. The Respondent No. 2 is permitted to file an affidavit in reply in the office in the main Petition. Till further orders in the main Petition, monthly salaries of the applicants be released to which they are entitled, from the accounts being operated by the Head Mistress. We have not made any

observations on the *interse* dispute between the R.C.F. and Deccan Education Society as regards operation of the account which shall be dealt with separately in the Writ Petitions.

6. All questions in the Writ Petition are kept open. This order is subject to further orders that may passed in the Writ Petition.

7. Interim Application is allowed and disposed of accordingly.

(ASHWIN D. BHOBE, J.)

(M.S. KARNIK, J)