



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO.2883/2023

IN

WRIT PETITION NO.5818/2022

Lady Yashodabai Joshi Ladies Club, thr. Secretary, Amravati and another

Vs.

Smt. Madhuri Uttamrao Madghe and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Jugalkishore Gilda, Senior Advocate a/w Shri A.J. Gilda, Advocate for petitioners
Shri V.A. Kothale, Advocate for respondent No.1 through V.C.
Shri B.M. Lonare, AGP for respondent No.2

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 10/03/2025

Heard learned Counsel for petitioners.

2. The present application is filed by the respondent No.1 for vacating interim order dated 11.08.2022 and issuing directions to the petitioner Management for depositing liability of back-wages payable from 16.07.2019 till 01.04.2022.

3. This Court vide order dated 19.08.2023 granted stay in terms of prayer Clause (ii) which reads as under:

“(ii) By an appropriate interim order stay the effect, operation and implementation of the judgment and order dated 01.04.2022 (Annexure-P11) passed by the Presiding Officer, School Tribunal, Amravati in Appeal No.15/2020.”

4. It is a matter of record that the strength of the students was reduced, therefore, the petitioner No.1 Trust constrained to close down the School of Marathi Medium. The services of the petitioners are terminated on account of abolition of post.

5. However, it appears that the School Tribunal, Amravati by its impugned order directed to pay full back-wages to the appellant from 16.07.2019, so also directed to follow the procedure contemplated in Rule 27(d) and (e) along with Rule 25A of the Maharashtra Employees of Private Schools Rules, 1981. It was further directed to pay full salary from 02.04.2022 till compliance of Clause(5) of the order.

6. This Court already in similar matter in respect of the same Management passed the order in respect of other employees i.e. Smt. Tara Babulal Sahu and Smt. Prerana Prakash Watane, rejected the application.

7. In view of the S.L.P. pending before the Hon'ble Apex Court wherein the order passed by the Hon'ble Apex Court that in view of the statement made by the learned Advocate for respondent employee that they would not proceed further with the execution proceeding. Contempt proceedings are stayed and on the statement that the employee would not proceed with the execution proceeding, the matter was adjourned.

8. In Special Leave Petition (Civil) Diary No(s).49233/2023 in case of ***Lady Yashodabai Joshi***

Ladies Club and another Vs. Shilpa Sanjay Khandekar and another, the Hon'ble Apex Court granted stay to the contempt proceeding as well as execution proceeding.

9. Learned Counsel for respondents submitted that he has not filed any contempt proceedings. As such, the stay ought to have granted only to the extent of execution of order by which back-wages are granted. However, there was no impediment in taking up procedure as per Clause-5 of the operative order passed by the School Tribunal, Amravati.

10. In my considered opinion, as identical issue pertaining to another Assistant Teacher, who is similarly situated and has also filed similar such execution proceeding is under challenge before the Hon'ble Apex Court and the Hon'ble Apex Court vide its order dated 13.12.2023, stayed the execution as well as contempt proceeding, it would not be proper to take any other view in the present matter. It would be appropriate to wait for the orders by the Hon'ble Apex Court. In case of other similarly situated Assistant Teacher, this Court already refused to interfere in the order till the decision of the S.L.P.

11. The learned Counsel for petitioners submitted that he would file undertaking to the effect that if S.L.P. is dismissed, they will deposit the amount of back wages as ordered by this Court within a period of six weeks before the Executing Court.

12. In view of this undertaking and also in view of the facts that the issue is pending before the Hon'ble Apex Court for its adjudication. No orders vacating interim relief can be granted.

13. The application is liable to be rejected and accordingly, it is rejected.

14. The application is disposed of accordingly.

JUDGE

R.S. Sahare