



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14762 OF 2025

Amit Anil Raybhog And Others
VERSUS
The State Of Maharashtra And Others

Mr. S. R. Kedar and Mr. A. S. Avhad, Advocate for petitioners
Mr. S. K. Tambe, Addl. GP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 16th January, 2026

PER COURT :-

1. Present petition has been filed for following reliefs :

B] By issuing writ of mandamus or direction in the nature of writ of mandamus to direct the respondent No.4 to pay unpaid payment of salary of the petitioners as per their date of appointment and joining upto date within a stipulated period of time.

C] By issuing any writ of mandamus or order to direct the respondent No.2 to decide representation dated 29.09.2025 submitted by petitioners within a stipulated period of time.

2. Heard learned Advocate for petitioners.

3. Learned Advocate for the petitioners' has submitting that he is not pressing Prayer Clause 'B' at this stage. It is on the ground that the respondent No. 5 School is stated to be getting 40% grant however, in respect of present petitioners' the proposal for *Shalarth* ID is still

pending and not decided. He submits that he would be pressing for Prayer Clause 'C'.

4. Learned AGP waives notice for respondent No. 2.

5. We have perused the representation and the pleadings following such chart that is given in Paragraph No. 5 and it is submitted by the petitioners that since their appointment and joining, they are not receiving the salary. Here, the fact is that at no earlier point of time, the petitioners has approached this Court however, it appears that some representations have been made periodically to the respondent No.2 which were not at all responded is the contention of the petitioners. When their representations were not even considered at no earlier point of time, the petitioners have approached this Court. Learned Advocate for the petitioners is relying on the decision in **Perwez Khajuddin Kalal vs. State of Maharashtra and other 2008(5) Mh.L.J. 523** wherein it has been held that the unaided school or institution are bound by the provisions of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short "MEPS Act") and the rules thereunder and, therefore, the institute to pay salary as per Rule No. 7 scheduled with Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. We are not in dispute with the said ratio or observation however here the fact is that the arrears or the alleged non

payment is of many years and as per Article 7 of the Limitation Act cause of action for recovery of unpaid salary would be of three years. As regards powers of the respondent No. 2 to decide the representation and issue directions are concerned, learned Advocate for the petitioners relies on Rule 3.3 of Secondary School Code 1979 and also states about the similar directions given in **Shivaji Shahdev Avhad vs. the State of Maharashtra through its Secretary and others** in Writ Petition No. 2273 of 2025 decided on 26.02.2025. Though, in this case, the representation has been directed to be decided. The facts are not clear in the order whether it was in respect of the period which was beyond limitation also to be considered and, therefore, we partly allow the petition by directing the respondent No. 2 to decide the representation dated 29.09.2025 in respect of alleged unpaid salary of three years prior to 29.09.2025 within a period of five weeks from today. We make it clear that if there is right, petitioners are at liberty to exhaust their remedy for other period.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi