

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

WRIT PETITION NO. 6225 OF 2025

VINA
ARVIND
KHADPE

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1. Mr. Yogesh Chandrakant Gawali
Age: 32 years, Occ: Service,
2. Mr. Sharmin Mosin Patel
Age: 31 years, Occ: Service,
3. Mr. Vijay Vitthal Potekar
Age: 31 years, Occ: Service,
4. Mr. Sangram Laxman Mohite
Age: 33 years, Occ: Service,
5. Mrs. Priyanka Rohit Ingale
Age: 32 years, Occ: Service,
6. Mr. Dattatraya Kkoli
Age: 31 years, Occ: Service,
7. Mr. Rahul Nana More
Age: 31 years, Occ: Service,
8. Mrs. Priyanka Sudhir Patil
Age: 41 years, Occ: Service,
9. Mr. Rohit Pandurang Saravade
Age: 28 years, Occ: Service,
10. Mrs. Puja Arjun Sidam
Age: 38 years, Occ: Service,
11. Mrs. Pranoti Ashok Nikam
Age: 33 years, Occ: Service,
12. Mr. Rushikesh Dinkar Gawali
Age: 26 years, Occ: Service,

13. Mr. Gopal Dhansing Daberao
Age: 30 years, Occ: Service,
14. Mr. Anant Suresh Bhagat
Age: 28 years, Occ: Service,
15. Mr. Varun Shalikram Gawai
Age: 35 years, Occ: Service,
16. Mrs. Priya Bhaskar Mali
Age: 26 years, Occ: Service,
17. Mrs. Vaishali Ashok Vaidya
Age: 31 years, Occ: Service,
18. Mr. Bhavesh Hiralal Khairnar
Age: 28 years, Occ: Service,
19. Mrs. Vidya Shivaji Zinjurke
Age: 27 years, Occ: Service,
20. Mrs. Yojana Vijayakumar Bhagwat
Age: 29 years, Occ: Service,
21. Mrs. Ashwini Shantaram Patil
Age: 30 years, Occ: Service,
22. Mrs. Arti Nagnath Sarkale
Age: 28 years, Occ: Service,
23. Mrs. Fiza Aslam Shaikh
Age: 26 years, Occ: Service,
24. Mr. Jeevan Sadashiv Mane
Age: 31 years, Occ: Service,
25. Mrs. Bhagyashree Devidas Bedre
Age: 29 years, Occ: Service,
26. Mr. Raju Dattatray Patil
Age: 49 years, Occ: Service,

All working as Assistant Teachers
in the Secondary Schools of Pimpri-Chinchwad
Municipal Corporation, Pune.

....Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education Department,
Mantralaya, Mumbai - 400 032.
2. Pimpri-Chinchwad
Municipal Corporation, Pimpri, Pune,
Through its Commissioner.
3. Education Officer (Secondary School,
Pimpri-Chinchwad
Municipal Corporation,
Pimpri, Pune,

....Respondents

**WITH
WRIT PETITION NO. 4956 OF 2025**

1. Hrishikesh Babasaheb Gholve,
Aged 27 Yrs, Occ. Service,
2. Ashish Ashok Mirokhe,
Aged 34 Yrs, Occ. Service,
3. Tejaswini Vishweshwar Chaudhari,
Aged 34 Yrs, Occ. Service,
4. Sampada Vasantao Nirmal,
Aged 30 Yrs, Occ. Service,
5. Snehal Anil Bhosale,
Aged 34 Yrs, Occ. Service,
6. Saurabh Suresh Gajbhiye,
Aged 28 Yrs, Occ. Service,

7. Harshala Shankarrao Kalambe,
Aged 26 Yrs, Occ. Service,
8. Santosh Vyankati Kapale,
Aged 30 Yrs, Occ. Service,
9. Snehal Abhay Babhulgaonkar,
Aged 32 Yrs, Occ. Service,
10. Aparna Ravindra Chincholkar,
Aged 30 Yrs, Occ. Service,
11. Pranay Chandrashan Dhande,
Aged 27 Yrs, Occ. Service,
12. Dinesh Popat Raut,
Aged 28 Yrs, Occ. Service,
13. Kaveri Subhash Gore,
Aged 28 Yrs, Occ. Service
14. Bhagyashri Vishnu Chopade,
Aged 27 Yrs, Occ. Service
15. Suhas Krushnarao Khandwe.
Aged 35 Yrs, Occ. Service,
16. Ashwini Arjun Salunke,
Aged 28 Yrs, Occ. Service,
17. Mahesh Babanrao Pawar,
Aged 40 Yrs, Occ. Service,
18. Ashwini Rajendra Dangat,
Aged 33 Yrs, Occ. Service,
19. Manoj Arjun Raut,
Aged 29 Yrs, Occ. Service,
20. Smt. Komal Ashok Jagadeo,
Aged 41 Yrs, Occ. Service,

21. Supriya Diliprao Birajdar
[Supriya Hemant Shinde],
Aged 36 Yrs, Occ. Service,
 22. Ajit Ashok Mundhe,
Aged 31 Yrs, Occ. Service,
 23. Shashikant Jibhau Chavan,
Aged 30 Yrs, Occ. Service,
 24. Akshata Anil Bangar,
Aged 27 Yrs, Occ. Service,
 25. Anand Dadaji Bhimte,
Aged 48 Yrs, Occ. Service,
All working as Assistant Teachers
in the Secondary Schools of
Pimpri-Chinchwad Municipal
Corporation, Pune.
-Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education Department,
Mantralaya, Mumbai - 400 032.
 2. Pimpri-Chinchwad Municipal
Corporation, Pimpri, Pune,
Through its Commissioner.
-Respondents

In WP No. 6225 of 2025

Mr. Uday Warunjikar a/w Mr. Sumit Kate & Mr. Jenish Jain, for the
Petitioners.

Mr. Rohit Sakhdeo, for the Respondent Nos. 2 and 3.

Mr. P. P. Kakade, Addl. GP. a/w. Ms. P. N. Diwan, AGP for the State.

In WP No. 4956.2025

Mr. Narendra V. Bandiwadekar (Senior Advocate), Mr. Vinayak R.
Kumbhar, Mr. Rajendra B. Khaire, Mr. Aniket S. Phapale i/b. Ms.

Ashwini Bandiwadekar.

Mr. P. P. Kakade, Addl. GP. a/w. Ms. Priyanka Chavan, AGP for the State.

Mr. Rohit Sakhdeo, for Respondent No. 2.

Ms. Sangita Bangar, Education Officer, Secondary Education Department, Pimpri Chinchwad Municipal Corporation, present in Court Hall.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 18th FEBRUARY, 2026

ORAL JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

1. **Rule.** Rule made returnable forth with and heard finally by the consent of the parties.

2. All these Petitioners are identically placed. In the First Petition, the Petitioners have put forth their Prayers below Paragraph No. 14, Clauses (A) & (C), which read as under :

- A) This Hon'ble High Court be pleased to issue Writ in the nature of Mandamus or any other Writ order or direction to the respondent no. 2 to issue to the Petitioners the order of appointment as Full Time Assistant Teachers on un-aided basis in its Secondary Schools with effect from 21.6.2024, in place of the order dated 20.6.2024 [EXH-C], whereby the Petitioners are appointed as Shikshan Sevaks on payment of monthly honorarium, and accordingly the Respondent No. 2 may be directed to pay the differential salary to the Petitioners, from the said date of appointment, deducting the amount of Rs.18,000/- per month paid to the Petitioners as monthly honorarium,

with all arrears.

- C) By a suitable writ, order or direction, this Hon'ble Court may be pleased to hold and declare that since the Petitioners had applied and they were selected and recommended for appointment as Assistant Teachers on un-aided basis in the Secondary Schools of the Respondent No. 2 Corporation, that the Petitioners were and are entitled to be appointed as Assistant Teachers in Pay Matrix and not as Shikshan Sevaks on monthly honorarium, and accordingly the Respondent No. 2 may be directed to issue the appointment order to the Petitioners as Assistant Teachers in Pay Matrix with effect from 21.6.2024, in place of the appointment given to the Petitioners as Shikshan Sevaks on monthly honorarium under the order dated 20.6.2024 [EXH-C], with all consequential benefits including the payment of the differential amount of salary after deducting the monthly honorarium paid to them during the intervening period.

3. In the Second Petition, the Petitioners have put forth their Prayers below Paragraph No. 14, at Clauses (B) & (C) which read as under :

- B) By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 2 to issue to the Petitioners the order of appointment as Full Time Assistant Teachers on un-aided basis in its Secondary Schools with effect from 21.6.2024, in place of the order dated 20.6.2024 [EXH-C], whereby the Petitioners are appointed as Shikshan Sevaks on payment of monthly honorarium, and accordingly the Respondent No. 2 may be directed to pay the differential salary to the Petitioners, from the said

date of appointment, deducting the amount of Rs.18,000/- per month paid to the Petitioners as monthly honorarium, with all arrears.

- C) By a suitable writ, order or direction, this Hon'ble Court may be pleased to hold and declare that since the Petitioners had applied and they were selected and recommended for appointment as Assistant Teachers on un-aided basis in the Secondary Schools of the Respondent No. 2 Corporation, that the Petitioners were and are entitled to be appointed as Assistant Teachers in Pay Matrix and not as Shikshan Sevaks on monthly honorarium, and accordingly the Respondent No. 2 may be directed to issue the appointment order to the Petitioners as Assistant Teachers in Pay Matrix with effect from 21.6.2024, in place of the appointment given to the Petitioners as Shikshan Sevaks on monthly honorarium under the order dated 20.6.2024 [EXH-C], with all consequential benefits including the payment of the differential amount of salary after deducting the monthly honorarium paid to them during the intervening period.

4. The Petitioners are aggrieved by the act of the Corporation in appointing them as Shikshan Sevak on a consolidated honorarium of Rs. 18,000/- per month, though they were selected as Assistant Teachers on specific pay scales in the unaided establishment, after they had cleared the Teachers' Aptitude and Intelligence Test (TAIT).

5. All these Petitioners are graduates with B.Ed.

qualifications. This is the requisite qualification for being appointed as an Asst Teacher. The learned Senior Advocate for the Petitioners contends that, since they were to impart education to students of the 9th and 10th Standards, the TET requirement is not applicable to them. All of them have passed the TAIT and, therefore, were entitled to appointment after completing their self-verification through the Pavitra Portal, without the necessity of an interview.

6. It is undisputed that candidates appointed in aided establishments are initially appointed as Shikshan Sevak on a consolidated honorarium of Rs.18,000/- per month. Candidates appointed in the unaided establishments of private schools, are entitled to the pay scale prescribed in law, to be paid by the employer. In the present case, the employer is the Municipal Corporation.

7. An advertisement dated 23.01.2024, titled Pavitra Pranali dwaare Shikshak Bharti Jahirat without interviews (meaning; Selection through the Pavitra Portal without interviews), was published for recruitment. The establishment for which the advertisement was issued is mentioned as the 'Pimpri Chinchwad

Municipal Corporation (Secondary / Higher Secondary) - without interview'. It is undisputed that the selection of these candidates was made in accordance with their acquired qualifications and the requisite eligibility criteria.

8. The Petitioners were considered through the Pavitra Pranali Recruitment Process, having cleared the TAIT, for appointment in Marathi medium schools for various subjects mentioned in the advertisement. Each of them was considered for the post of Graduate Teacher, for imparting education to the students from Standards 9 and 10.

9. The School Education and Sports Department, Government of Maharashtra, published the Select List dated 25.02.2024, under the Pavitra Teacher Recruitment Process (Without Interview) – TAIT 2022, for the Pimpri Chinchwad Municipal Corporation. The subject-wise details of the posts advertised and the candidates eligible for recommendation, along with the cut-off marks, are reflected in the said Select List.

10. The General Merit List for the Marathi medium,

pertaining to teachers imparting education to students of Standards 9th and 10th, is placed on record. The names of the individual Petitioners are pointed out to us in the compilation of the General Merit List, which forms a part of the Petition paper book. There is no dispute and indeed, the Corporation cannot dispute, the inclusion of each of these Petitioners in the list, along with their respective details such as date of birth, TAIT marks, preference number, post (aid type), subject type, teaching medium, caste category, disability type, and other categories such as orphan status or reserved category.

11. It is undisputed that in the sixth column, which pertains to the post (aid type), the names of all these Petitioners are shown under the unaided section, with the pay scale of S-14, corresponding to the 7th Pay Commission, in the pay band of Rs. 38,600/- – Rs. 1,22,800. Each of them has been selected for appointment as a Graduate Teacher for Standards 9th and 10th.

12. It is in the above backdrop that we proceed to consider the reasons for which these Petitioners have invoked our Writ Jurisdiction under Article 226, seeking the issuance of a Writ of

Mandamus.

13. After these Petitioners were selected and the General Merit List was published, indicating their serial numbers, posts, subjects, pay scales, and other particulars, they were appointed on 20.06.2024. The appointment orders of the Petitioners, which form a part of the record before us, are a part of a common order. In the said common appointment order, it is stated that they are appointed as Shikshan Sevak with a monthly honorarium of Rs. 18,000/- and that they shall serve as Shikshan Sevak for a period of three years. On the very next day, i.e., 21.06.2024, the Petitioners addressed representations to the Commissioner, stating that they had been selected as Assistant Teachers, but were shown as Shikshan Sevak in the appointment orders. They expressed an apprehension that this may be a mistake, as several other candidates were selected as Shikshan Sevak. Upon being informed by the Corporation that there was no error in their appointment orders and that they had been rightly appointed as Shikshan Sevak, that the Petitioners have approached this Court.

14. The Petitioners have placed on record a Government

Resolution dated 26.04.2006, which indicates that the scheme of appointment as Shikshan Sevak is applicable to 100% grant-in-aid and approved Secondary and Higher Secondary Schools, Colleges of Education, and Military Schools. Establishments operated on an unaided basis (0% grant-in-aid) or partially aided, are not covered under the Shikshan Sevak Scheme. In such schools, only Assistant Teachers can be appointed in a particular pay band.

15. The learned Senior Advocate, Mr. Bandiwadekar, has drawn our attention to the Government Resolution dated 13.10.2000, which applies to Secondary and Higher Secondary Schools receiving grants-in-aid, to which the Shikshan Sevak Scheme is made applicable. The said Government Resolution reads as under :

केंद्रशासनाने सर्व राज्यांशी चर्चा करून सर्व शिक्षा अभियान हो योजना तयार केली आहे. या योजनेच्या प्रारूप आराखड्यात माध्यमिक शिक्षकांच्या पदांचे निर्धारण व निमशिक्षकांची (Para Teachers) नियुक्ती या मुद्यासंदर्भात खालीलप्रमाणे नमूद केले आहे:-

While agreeing that the of teachers must be respectable in order that their position in society is respected, it must also be realized that the choice, in the interim period, is between no teacher and a teacher being paid a substantial emolument but not necessarily full pay-scale. Here also, a provision may be made by the concerned States not to dilute schooling and two years of training before they are considered for any regular pay

scale appointment. It will be up to the States to develop a framework for appointment of teachers within the guidelines of the National Council of Teacher Education. The States may also like to define the duration of the interim period as regards appointment of teachers on a lump sum emolument in the light of clear judicial pronouncements in the matter in Gujarat and Madhya Pradesh States.

16. The Assistant Commissioner, Secondary Education Division, Pimpri Chinchwad Municipal Corporation, addressed a letter dated 28.04.2025 to the Deputy Director of Education, Pune Division, seeking guidance on whether candidates selected through the TAIT for the posts of Assistant Teachers with pay scales, should be appointed on the said pay scales or on a stipend. In response, the Deputy Director of Education, Pune Division (Pune-01), issued a communication dated 02.09.2025.

17. Mr. Bandiwadekar and Mr. Warunjikar then drew our attention to the said communication dated 02.09.2025, addressed by the Deputy Director of Education, Pune Division (Pune-01), to the Divisional Deputy Director of Education, Pune, wherein it is stated that the Shikshan Sevak Scheme is not applicable to the Pimpri Chinchwad Municipal Corporation. It further clarifies that the

Shikshan Sevak Scheme is applicable only to establishments that are 100% grant-in-aid and not to schools that receive no grants (fully unaided or partially aided), where Assistant Teachers are required to be appointed.

18. The learned Advocate for the Municipal Corporation has referred to the Affidavit-in-Reply dated 16.09.2025, filed on behalf of the Corporation through Ms. Sangita Baban Bangar, Education Officer (Secondary), Pimpri Chinchwad Municipal Corporation, and has strenuously opposed these Petitions through his detailed submissions canvassed yesterday, as well as today. He submits that no injustice has been caused to the Petitioners. They have been appointed as Shikshan Sevaks, and as per Clause (6) of the appointment order on record, these candidates would be eligible for appointment as Assistant Teachers upon satisfactory completion of three years' probation as Shikshan Sevaks, during which they would draw a monthly honorarium of Rs. 18,000/-.

19. He has drawn our attention to Paragraph Nos. 4, 5, 7, 8, 9, and 11, which read as under :

4. Firstly, the Petition is not maintainable on the

ground of waiver. The appointment order dated 20/06/2024 clearly mentions the word Shikshan Sevak. It further mentions that, the appointees will have to submit indemnity as per Government Resolution. The same is clearly mentioned in clause No.7 of the appointment order. Clause No.9 clearly states that, they will be given consolidated honorarium of Rs. 18,000/- as ShikshanSevak. The Petitioner's have accepted the said order. Hereto marked and annexed as Exhibit R-1 is the copy of Affidavit / indemnity bong dated 27/06/2024 given by Petitioner No.1. Hence, after accepting the appointment order, the Petitioner cannot claim the prayers mentioned herein. The reasons mentioned in the Petition for accepting such an appointment cannot be legally sustain since the Petitioners have deemed to have waived their rights by accepting the appointment order. On these preliminary ground itself the Petition deserves to be dismissed.

5. I say that, GR dated 13/10/2000 issued the School Education Department, Government of Maharashtra is very relevant including clause No.6 thereof. Hereto annexed and marked as Exhibit R-2 is the copy of GR dated 13/10/2000.
7. There is another relevant GR dated 7/02/2019 by the Government of Maharashtra. The said GR dated 7/02/2019 mentions about recruitment of Shikshan Sevak. Hence, in present case PCMC has followed the said G.R and it is applicable to shikhan sevaks. Hereto annexed and marked as Exhibit R-3 is the copy of GR dated 7/02/2019. In view of clause 13 of said G.R., the same does not exclude schools falling under control of Municipal Corporation/s. Other relevant clauses is no.6.1 and clause 12.
8. GR dated 7/02/2019 by the Government of Maharashtra. The said GR dated 7/02/2019

mentions about recruitment of Shikshan Sevak. Clause no.-7 as per the government decision of all the post in primary /secondary/higher secondary school including local self bodies (p.c.m.c is a local bodies) in the state have been filled on the basis of the marks in aptitude and intelligence test as mentioned above.

Clause no. 5.7 the candidates will give separate priority for the vacant posts of shikshan sevak in local self organization.

Clause no. 5.8 declares selection for local bodies(p.c.m.c is a local self bodies) candidates give their preference of post of shikshan sevak.

Clause no. 5.10 the concerned education institution verifies the documents of the candidates before joining post of shikshansevak of education department.

Clause no. 5.18 according to this government decision, the appointment of shikshan sevaks will be mandatory and there will be no need for personal approval or no objection certificate.

Clause no. 6.1 the tenure of the shikshan sevak appointed in the local self body(pcme local self body) will be 3 years

9. I say that letter dated 02/09/2025 of Deputy Director Of Education Department, Pune Division mentions that the scheme shikshansevak which is mentioned in government resolution and letters mentioned from serial number 4 to 9 in said communication has been started in 100% grant in aid secondary school/higher secondary/junior collages/adhyapak vidyalaye & military schools. It is mentioned that this scheme is not applicable in un-aided or partially aided school and the appointments on post of assistant teacher posts in these school will be on regular basis, therefore such teachers are eligible for a regular salary. However it is to be noted that this communication does not mention local body operated schools as regards shikshansevak issue. Hereto annexed as

Exhibit R-4 is the copy of communication dated 02/09/2025 by Deputy Director Of Education Pune Division. Hence the said communication cannot be said to entitle the petitioners for seeking the reliefs claimed in the petition as per interpretation of corporation. Hereto annexed as Exhibit R-5 is the copy of communication dated 28/04/2025 by PCMC to Deputy Director Of Education Pune Division.

11. I say that, in view of the GR dated 7/02/2019, the Petitioners cannot rely upon G.R dated 26/04/2006. G.R dated 7/02/2019 is subsequent to G.R dated 26/04/2006.

20. He then draws our attention to the Government Resolution dated 13.10.2000, more particularly to Annexure - A appended thereto, wherein Clause (A) has been referred to. He submits that a Shikshan Sevak is to be appointed for a period of three years, with a minimum tenure of thirty months, and upon satisfactory completion of the said period, such person may be appointed as an Assistant Teacher.

21. Notwithstanding the strenuous submissions of the learned Advocate for the Corporation, in his endeavour to persuade us to accept the stand of the Corporation, we find that such a stand is fallacious for reasons more than one. Firstly, all these Petitioners are TAIT qualified. Secondly, they have all been selected pursuant

to the advertisement indicating that candidates appointed in unaided establishments would be designated as Assistant Teachers and that their respective employers would be responsible for payment of their salaries. Thirdly, the applicable pay scales for these Petitioners are also reflected in the General Merit List, wherein it is clearly stated that they are entitled to the pay scale applicable to Assistant Teachers.

22. In this backdrop, the issuance of an appointment order designating the Petitioners as Shikshan Sevaks, would amount to pulling a fast one on them. Once a candidate is considered for a particular post, selected, and shown in the merit select list for that post, the appointment order cannot be to the contrary. Such an appointment order cannot withstand reason or logic, much less judicial scrutiny. We, therefore, have every reason to reject the submissions advanced on behalf of the Corporation.

23. The Corporation has taken another stand which surprises us. It has issued appointment orders to these Petitioners as Shikshan Sevaks after obtaining cyclostyled undertakings from them. The format is annexed to the Government Resolution, which

is meant solely for candidates selected and appointed as Shikshan Sevaks. All these Petitioners are young, unemployed youth hailing from both, rural and urban backgrounds. Most of them belong to rural areas with meagre means of livelihood. Being desperate for employment and lacking bargaining power, they could not withstand the pressure of a mighty employer such as the Municipal Corporation. The Municipal Corporation, is expected to be a model employer. By selecting candidates for the post of Assistant Teacher with an approved pay scale, publishing the General Merit List indicating their position and pay band, and thereafter compelling them to accept appointment orders as Shikshan Sevaks, appears to us to be an unethical act and contrary to the advertisement.

24. The learned Advocate for the Corporation, under instructions, has canvassed that the rule of waiver would be applicable to all these Petitioners in the light of the undertaking executed by them. We find from the facts and circumstances of this case that, firstly, an incorrect proforma undertaking was made to be signed by these Petitioners, which is applicable to a Shikshan Sevak and not to an Assistant Teacher. Secondly, when these Petitioners were selected and appointed pursuant to the advertisement and the

General Merit List was declared indicating their selection as Assistant Teachers with a specific pay band, compelling them to sign such an undertaking amounts to extracting an undertaking under coercion, duress and against their free will. The anxiety of these Petitioners is evident from the fact that, on the very next day of their appointment, they represented to the Commissioner pointing out the anomaly. Moreover, compelling any person to sign an undertaking by way of a contract that is contrary to law or a statutory provision, would amount to 'contracting out'.

25. In view of the above, **all these Petitions are allowed.** The impugned appointment orders are directed to be recalled by the Commissioner. He shall issue fresh appointment orders designating the Petitioners as Assistant Teachers, with the pay band mentioned in their respective categories in column No. 6 of the published General Merit List, effective from the same date when there were issued with the erroneous orders. This exercise shall be completed within ten working days from today. The arrears of pay shall be computed, and the amount of Rs. 18,000/- per month paid to these Petitioners from the dates of their appointments, shall be set off, with the balance amounts payable to them, within forty-five days

from today.

26. The learned Senior Advocate, Mr. Bandiwadekar, and the learned Advocate, Dr. Warunjikar, who has conveyed his message through Advocate Mr. Kate, make a gracious statement that they would not insist on interest on the arrears of payment if the same are paid within forty-five days from today. We appreciate their gesture and record that, if the amounts are not paid within forty-five days from today, the arrears shall carry simple interest at the rate of 5% per annum from the month in which such payment became due and payable.

27. **Rule is made absolute in the above terms.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)