

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1634 OF 2022

Ashok Laxman Moily & Ors. ...Petitioners

Versus

The Chairman K.M.E.S. English Medium
High School And Junior College & Ors. ...Respondents

Ms. Veena Thadhani a/s Ms. Rutuja Gaikwad, Advocate for the
Petitioners.

Mr. Noorain Patel, Advocate for Petitioner No.35.

Mr. A.G. Kothari, Advocate for Respondent No.1 to 4.

Ms. Pushplata Narayan Diwan, Advocate for Respondent No.7.

**CORAM : RAVINDRA V. GHUGE
&
M. M. SATHAYE, JJ.**

DATE : 4th JULY, 2025

P.C. :-

1. Petitioner No.35, namely Momin Mohammad Saad
Mohammad Sadique, has tendered an affidavit in reply dated 5th
June, 2025, along with the documents (18 Pages), praying for leave
to be deleted from the array of the Petitioners.

2. The learned Advocate for the Petitioners submits that,
since Petitioner No.35 desires to withdraw from the present Petition,

the other Petitioners would not object.

3. As such, the name of Petitioner No.35 be deleted from the proceedings.

4. The learned Advocate for the Petitioners points out that the order of this Court dated 26th July, 2024, directing the Management to pay salaries to the Employees as per the 7th pay commission recommendations, was challenged by the Management in Special Leave Petition (Civil) Diary No.47338 of 2024. By an order dated 3rd February, 2025, since the Hon'ble Supreme Court was not inclined to entertain the challenge, the Petitioners sought leave to withdraw the Petition with liberty to raise all objections before the High Court. The SLP was dismissed. This Writ Petition is already admitted by this Court.

5. Pursuant to the above, the learned Advocate submits that the Management issued individual notices dated 11th April, 2025 to each of the 25 Petitioners. The rest of the Petitioners before this Court have withdrawn themselves from this litigation and they have been continued in service by a new Management, which has been

entrusted to operate only the Secondary Section of the School in which the Petitioners were working. The learned Advocate for the Management submits that he is not aware of this situation.

6. The learned Advocate for the Petitioners further submits that those students who were being imparted education in the Secondary Section of the School, still continue in the same school and the Management has entered into a Leave and Licence Agreement with another entity to operate the Secondary Section of the School. Those Teachers and Employees who disassociate themselves with this Petition, are alleged to have been continued in Employment. It is further alleged that the pay scales as per the 7th pay commission recommendations have not been extended to any of these persons who have been continued with the new Management.

7. Considering the law laid down by this Court in Writ Petition No.18125 of 2024, dated 13th December, 2024 (*Shankar Gopal Umrani V/s. The State of Maharashtra & Ors.*), since the Petitioners have a statutory efficacious remedy of approaching the School Tribunal at Belapur within whose jurisdiction the present Teachers and the Management is covered, the Petitioners will have

to approach the said Tribunal for assailing their termination notices.

8. In the event, the Petitioners approach the Tribunal on 7th July, 2025 and move an application for ad-interim protection, we would expect the Tribunal to deal with the said application, if a prayer for *ex-parte* ad-interim relief is sought. The Tribunal would consider the said prayer and would pass an order on the merits of the application urgently, considering the deadline available to the Petitioners. Needless to state, all the contentions are kept open and if the Management, which is represented through Counsel before us, appears before the Tribunal on 7th July, 2025, the Tribunal would also hear the Management, while entertaining the request of the Petitioners for ad-interim protection.

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)