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

WRIT PETITION NO.1860 OF 2009

ST XAVIERS EDUCATION TRUST AND ANR ..PETITIONERS

VERSUS

THE UNION OF INDIA THROU SECRETARY
AND ORS

VERSUS

The State of Maharashtra ..RESPONDENTS

Mr Niteen Pradhan, Advocate holding for Mr S. s. Halkude, Advocate for petitioner;

Mr S. W. Munde, A.G.P. for respondent Nos.2 to 4

Mr P. S. Paranjape, Advocate for respondent No.6

**WITH WP/4000/2008 WITH WP/4001/2008 WITH
WP/4002/2008 WITH WP/4003/2008 WITH WP/4004/2008**

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 22nd June, 2018

ORAL ORDER:

This is a bunch of petitions. These petitions are of years 2008 and 2009. The petitions filed by the institutes, which are unaided minority institutions pray before this Court to declare that certain provisions under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 are violative of Articles 29 and 30 of the Constitution of India and are unconstitutional and void under Article

(2)

13(2) of the Constitution of India. It is also prayed that the petitioners be exempted from the purview of the application of M.E.P.S. Act, 1977 and M.E.P.S. Rules, 1981.

2. Perusal of the order sheet shows that the Division Bench of this Court on more than one occasion directed the State Government to place before this Court the policy, if framed by it. In view of the issues raised by those petitioners institutes, it will be useful to refer the order of the Division Bench of this Court dated 30th October, 2015 :-

“1. The learned AGP informed us that he received information from respondent No.2 that the State Government has now constituted a committee under the Chairmanship of Director of Education (Secondary and Higher Secondary Education), Maharashtra State, Pune for formulation of revised Rules and Regulations for management of private schools established by minority institutions. We have taken a note of this development, but having regard to the past experience, we direct the State of Maharashtra to complete the process for revision in Rules and Regulations as stated above within THREE MONTHS from today.

2. Not to be treated as part heard.

3. Interim relief, granted earlier, to continue, till then.

4. Stand over to 4.12.2015.”

(3)

3. Though this order is passed in the year 2015, we are unable to find any compliance of the order of the Division Bench, inspite of the stipulation of period was provided in the said order and it is a sorry state of affairs that till today, there is no compliance of the order of this Court dated 30th October, 2015.

4. It was submitted by Mr Pradhan, learned Counsel for the petitioners before this Court that there are judicial pronouncements by the Hon'ble the Apex Court as well as by this Court on the issue raised in this petitions before this Court. It is also submitted before us that though the petitions were fixed for hearing on earlier occasion, for one or the other reason, the petitions could not be heard by this Court. He, thus, prays for early hearing of the petitions.

5. In view of above referred facts, we direct the office to post these petitions on 19th July, 2018. We further make it clear that the learned Counsel appearing for the parties, if are relying on certain judgments of this Court or the Hon'ble the Apex Court, they may submit the compilation one week before due date and the exchange of such compilation of judgments be also completed before one week of the due date.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)