

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10676/2023

Managing Committee Shri Veer Balika Senior Secondary School & Anr.
-----Petitioners

Versus

Commissioner/ Director, Secondary Education & Anr.
-----Respondents

For Petitioner(s) : Mr. Jitendra Mishra
For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

21/07/2023

1. Petitioner-Management Committee of Shri Veer Balika Senior Secondary School has filed instant writ petition assailing the judgment dated 07.01.2019 passed by the Rajasthan Non-Government Educational Tribunal, Jaipur in application No.1038/2012 filed by the respondent No.2, whereby and whereunder, the Tribunal has issued various directions in favour of respondent No.2-Rajkumari Soni, in respect of pay fixation, grant of selection scale and arrears up to the date of her retirement dated 31.08.2010, that too with interest.

2. Learned counsel for petitioner submits that petitioner-Management Committee is 90% aided institution by the Government, therefore, out of the payable amount pursuant to the impugned judgment dated 07.01.2019 passed by the Tribunal, petitioner-Management Committee is responsible only up to 10% and for remaining amount the Government is liable to pay, however the Tribunal, in the impugned judgment has observed that the Government (respondent No.1 herein and non-applicant No.3 before the Tribunal) shall ensure compliance of the judgment

dated 07.01.2019 from petitioners-Management Committee only, hence to that extent the petitioner-Management Committee has assailed the impugned judgment dated 07.01.2019 .

3. Learned counsel for petitioners-Management submits that the respondent No.2 has proceeded for execution of the judgment dated 07.01.2019, wherein near about 25 lac amount sought to be recovered from petitioner-Management Committee, and orders for attachment of the office of petitioner-Committee have been issued. It has been submitted that petitioners-Management Committee is running a school, and attachment of its office would seriously prejudice the interest of students as well.

4. In such facts and circumstances, learned counsel for petitioner, on instructions of petitioner-Committee, is agreeable to deposit a lump-sum amount of Rs.5 lac before the Executing Court through demand draft in the name of respondent No.2-Rajkumari Soni within a period of four weeks from today.

5. Heard. Considered.

6. Let notices be issued to respondents.

7. In the meanwhile, if petitioner-Managment Committee deposits a lump-sum amount Rs.5 lac, before the Executing Court, through demand draft in the name of respondent No.2-Rajkumari Soni, within a period of four weeks from today, the execution for recovery of further amount pursuant to the impugned judgment dated 07.01.2019 shall remain stayed. On deposition of amount Rs.5 lac, the same be disbursed to the respondent No.2-Rajkumari Soni.

(SUDESH BANSAL),J