

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.18874/2023

Managing Committee Seth R.N. Ruhiya Girls Senior Secondary
School & Another

-----Petitioners

Versus

Smt. Rama Rani Rani W/o Sh. Subhash Chandra Soni & Another

-----Respondents

For Petitioner(s) : Dr. T.N. Sharma
Mr. I.J. Kathuria

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

31/08/2024

1. Learned counsel for the petitioner submits that the application filed by the respondent-employee under Section 21 of the Rajasthan Non-Government Educational Institutions Act, 1989 (hereinafter referred to as "the Act of 1989") has been allowed by the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur (hereinafter referred to as "the Tribunal") vide order dated 08.05.2014 and the petitioner-management has been directed to pay the selection scale to the respondent-employee and pay him the increased Dearness Allowance with interest.

2. Learned counsel for the petitioner submits that the petitioner-management is an aided institution receiving 90% of grant-in-aid. Learned counsel submits that in terms of the judgment passed by the Division Bench of this Court in the case of **State of Rajasthan & Another Versus The Management Committee Sh. Bhagwan Das Todi College** reported in **2016 (2) WLC (Raj.)**, wherein it has been held that the management

is liable to pay its share and the State Government is liable to pay the rest of the amount of grant-in-aid, hence the order passed by the Tribunal is not sustainable in the eye of law. Learned counsel submits that pursuant to the order dated 08.05.2014, the petitioner-management has already prepared a demand draft of its share in the name of the respondent-employee and the same was furnished before the Executing Court but the Executing Court has refused to entertain the same, hence under these circumstances, the demand draft of Rs.82,380/- has been placed on record of this Court.

3. Learned counsel submits that the concerned Executing Court is proceeding further against the petitioner-management, hence under these circumstances, an appropriate interim order be passed protecting the rights of the petitioner-management.

4. Issue notice of the writ petition as well as stay application to the respondents. Rule is made returnable by 08.10.2024.

5. Notices be given "*dasti*" to the learned counsel for the petitioners.

6. Additionally, a copy of the writ petition be served in the office of Ms. Namita Parihar, Dy. GC. Her name be reflected in the cause list as counsel for the respondents.

7. List this case on 08.10.2024.

8. The petitioner is directed to prepare a fresh demand draft of its share in the name of respondent-employee and pay the same to the respondent-employee within a period of one week from today. In case, the requisite is done by the petitioner-management with the above stipulated time, further proceedings of Executing Court shall remain stayed.

9. It is made clear that this interim order would come into effect only after service of notice upon the respondents.

10. Office is directed to send a copy of this order to the respondents alongwith notices.

11. It is also made clear that in case the petitioner-management fails to comply with the interim directions issued by this Court and fails to make the payment of its share to the respondent-employee, the Executing Court would be free to execute the entire order passed by the Tribunal.

(ANOOP KUMAR DHAND),J