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C.A.No. 174-175 OF 1999
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM NO. 104 COURT NO. 7 SECTION IX

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 174-175/1999

Emmanuel Education Society .. Appellant (s)

Vs.

State of Maharashtra & Ors. .. Respondent(s)
(with appln. for exemption from filing OT and office report)

DATE : 29.8.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. Nikhil M. Sakhardande, Adv.
Ms. Meenakshi Sakhardande, Adv.
Mrs. V.D. Khanna, Adv.

For Respondent (s) : Mr. Makarand D. Adkar, Adv.
Mr. S.D. Singh, Adv.
Mr. Vishwajit Singh, Adv.

Mr. S.S. Shinde, Adv.

UPON being mentioned the Court made the following

O R D E R

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The Civil appeal No. 174/99(arising our of SLP(C) No. 1498/97 against the order in Writ Petition No. 2328/1996 filed by the Mangement) is dismissed as withdrawn in terms of the signed order.

The Civil appeal No. 175/1999(arising out of SLP(C) No. 1499/97 against the order in W.P.(C) No. 4863/95 filed by the teachers) stand disposed of in terms of the signed order.

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 174-175 OF 1999@@
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Emmanuel Education Society .. Appellant

Vs.

State of Maharashtra & Ors. .. Respondents

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During the pendency of these appeals a statement was made on 23.1.1998 that the respondent No. 1 has decided to give the appellant society the requisite benefit for the academic year 1997-98 and subsequently. This matter was further clarified by this Court by an order made on 26.7.2000 that the grant-in-aid will cover not only the Primary School but also the Secondary School.

The appellant society also made an application for enhancement of the fees that are to be charged in the school and that application has now been disposed by the respondent-Education Officer. In view of these developments learned counsel for the appellant seeks leave of the Court to withdraw the appeal with liberty to pursue such other remedies as to fixation of fees in the School or otherwise. With the liberty as aforesaid, the

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Civil appeal No. 174/1999(arising out of SLP(C) No. 1498/97 against the order in Writ petition No. 2328/1996 filed by the Management) is dismissed as withdrawn.

So far as the back wages to be paid to the teachers in the School is concerned, on an overall consideration of the matter particularly bearing in mind that the School was not aided with grant at all in the year 1997, we think it appropriate to reduce the back wages to 50%. The Civil appeal No. 175/1999(arising out of SLP(C) No. 1499/97 against the order in W.P.(C) No. 4863/95 filed by the teachers) shall stand disposed of accordingly.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU] @@
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New Delhi,@@
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August 29, 2001.