

ITEM NO.104

COURT NO.6

SECTION IX

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

Civil Appeal Nos.6485-6486/2008

ASHA EDUCATION SOCIETY
THROUGH ITS SECRETARY & ANR.

Appellants

VERSUS

NANDKISHORE SHRIKRISHNA WANKHEDKAR & ANR.
WITH
C.A.Nos.6488-6489/2008 (IX)
C.A.Nos.6490-6491/2008 (IX)

Respondents

Date : 19-07-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHIFor Appellant(s) Mr. Shivaji M. Jadhav, AOR
Mrs. Astha Deep, Adv.For Respondent(s) Mr. Kunal A. Cheema, AAG
Mr. Yogesh K. Arirrao, Adv.
Mr. Nishant R. Katneshwarkar, Adv.Ms. Asha Gopalan Nair, AOR
Ms. Anagha S. Desai, AORUPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the respondent-teachers submits that the termination is against Section 5(2) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

It is seen from the facts that it was not a case of appointment against the permanent vacancies. Even according to the State, the vacancies arose only on year to year

basis and in the case of the appellants' institution and few other schools it was started on experimental basis. As they were not able to continue the course on permanent basis, the course was de-recognized on 22.03.2000. Therefore, after that year, no recognition was given and naturally there was no appointment, since there was no course.

Be that as it may, we are informed that after a break of six years, the teachers have been accommodated in some other schools and what survives is only the question, at the maximum, of back wages for the said period.

This claim for back wages has to be appreciated in the background of the appointment order. The appointments were made on year to year basis since the recognition was on year to year basis and the course was discontinued also. Therefore, the maximum the teachers can pray for, in the facts and circumstances of the case, is back wages for the year before the completion of which they were terminated.

Learned counsel for the Teachers' Association requests for some time to get instructions.

As prayed for, post these matters on 01.08.2017.

(ASHA SUNDRIYAL)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR