

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2735 OF 2001

MAHARASHTRA AROGYAMANDAL & ANR.

Appellant (s)

VERSUS

RASKAR
Respondent (s)

V.DAMODAR

@

BHUJBAL

V.ATMARAM&ORS

(With appln(s) for directions and prayer for interim relief and office report)

Date: 25/10/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Raju Ramachandran, Sr.Adv.

Mr. Shridhar Y. Chitale, Adv.

Ms. Pranya Matha, Adv.

Mrs V.D. Khanna, Adv.

For Respondent(s)

Mr. Ashok Kumar Singh, Adv.

Mr. Surinder Dutt Sharma, Adv.

Mr. Naresh Kumar Gaur, Adv.

Mr. Deepak Jain, Adv.

Mr. Vikram Jain, Adv.

Ms. Asha Gopalan Nair ,Adv

UPON hearing counsel the Court made the following
ORDER

Heard the parties.

The appeal is disposed of in terms of the signed
order.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2735 OF 2001

MAHARASHTRA AROGYAMANDAL & ANR.
APPELLANTS

...

VERSUS

RASKAR V. DAMODAR @ BHUJBAL V. ATMARAM & ORS.
...RESPONDENTS

ORDER

This appeal is directed against the judgment and order

dated 13th June, 2000 passed by the Division Bench of the Bombay High Court in Writ Petition No.2169 of 2000.

We have heard the parties.

Briefly stated the facts leading to the present appeal are as follows :

Respondent No.1 was appointed as a teacher by an order dated 08.07.1996. It is undisputed fact that the respondent was appointed to a division of the school which was unaided and unrecognised. At the time of appointment it was made clear to the respondent that her appointment was made only upto October, 1996. Somehow, the respondent No.1 continued in the post till the school got recognised and aided from the academic year 1998-99 by an order dated 09.02.1999. The respondent filed several representations taking her grievances that her pay and allowances be paid

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at par with the teachers of aided and recognised schools under the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, right from the day she had joined the services of the appellant management. Ultimately, she filed Writ Petition No.2169 of 2000 with the prayer, inter alia, "i) direct the Respondent No.1 and 2 to pay to the petitioner the difference in salary as per the pay scale prescribed by the State of Maharashtra from time to time from the date of her appointment till date and direct them to continue to pay to the petitioner her salary as per the scale prescribed by the Government accordingly."

The High Court in paragraph 10 of its judgment directed respondent Nos.1 and 2 - the appellants herein to pay the writ petitioner arrears in salary as per the scales granted by the State Government and as made applicable from time to time to the trained Assistant Teachers in private aided schools from the date of her initial appointment till the date of the order and to continue to pay her salary as per the said scales.

The dispute is in a narrow compass. We have already noticed that her initial appointment is purely on a contract basis. In other words she was not holding regular post in the private aided and

recognised school. The division in which she was appointed on contract was for the

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first time became recognised and aided from the academic year 1998-99. This being the fact, learned counsel for the respondent fairly conceded that she should be paid the salary at par with the Teachers from the date the school got recognised and aided. We accordingly modified the direction of the High Court to the extent that instead of her initial appointment the respondent No.1 shall be entitled to a pay scale prescribed by the Maharashtra from time to time from the date the school got recognised and aided by order dated 09.02.1999.

With the above modification this appeal is disposed of.

While calculating the difference of pay the amount already paid to the respondent No.1 shall be adjusted.

.....J.
(H.K. SEMA)

.....J.
(LOKESHWAR SINGH PANTA)

NEW DELHI,
OCTOBER 25, 2007.