
(2017) 12 RAJ CK 0006
In the Rajasthan High Court
Case No : 2099 of 2017

Nasir Khan S/o Sh. Shahak Khan

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 01-12-2017

Acts Referred:

Citation : (2017) 12 RAJ CK 0006

Hon'ble Judges : Arun Bhansali

Bench : SINGLE BENCH

Advocate : Pramendra Bohra, B.L. Bhati, R.K. Soni

Final Decision : Disposed

Judgement

1. These writ petitions have been filed by the petitioners claiming the reliefs prayed therein.

2. Learned counsel for the petitioners does not press the prayer seeking recovery of loan from respondent No.5-Institution.

3. Learned counsel appearing for the petitioners submits that the controversy involved in the present writ petition stands covered by a Bench decision of this Court in the matter of State of Rajasthan and Another Vs. The Management Committee Sh. Bhagwan Das Todi College, 2016 (2) WLC (Raj.), 1, wherein after due consideration of the law applicable, the Court held as under :-

"46. The Special Appeals filed by the State Government are without substance and accordingly dismissed and taking note of the Sec.31(2) of the Act, 1989 we direct the Non-Government Educational Institutions to prepare due drawn statement of each of the employees of their Institution who have worked

against sanctioned & aided posts in regard to their arrears of salary and other dues which are approved expenditures to the extent of grant-in-aid and the same be sent to the State Government and the State Government after its due verification from their records will make payment of arrears to each of the employee who either have now become members of Rules, 2010 or have retired or left the job (upto the period one has worked) and to other employees similarly situated under intimation to the concerned Non-Government Recognized Institution.

47. However, it may not remain confined to such of the employees who are covered under the present litigation and since the employees of the State Government and the Non-Government Aided Institution are under litigation at various levels either before the Id.Tribunal or in this Court and after this issue being settled by us, we consider it appropriate that let this order be made applicable mutatis mutandis to all such employees who are similarly situated, in the manner as directed by this court and indicated above.

48. The Non-Government Aided Institutions shall ensure compliance of this order within two months and the State Government shall ensure compliance in letter & spirit within two months thereafter by making actual payment to the employee of the Non-Government Aided Institutions.

49. With these directions, all the special appeals stand disposed of, in the above terms. There shall be no order as to costs."

4. It is not disputed by learned counsel for the respondents that the matter stands covered by the decision of this Court rendered in the case of Management Committee Sh. Bhagwan Das Todi College (supra).

5. Accordingly, the writ petition is disposed of in the light of the Bench decision of this Court rendered in the matter of Management Committee Sh. Bhagwan Das Todi College (supra).