

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPUR

S.B. Civil Writ Petition No.3598/2016

Shri Mohammad Saleem vs. State of Rajasthan & Ors.

Date of Order-:::30th March, 2016

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Anuroop Singhi, for petitioner.

BY THE COURT

The petitioner was appointed on the post of Assistant Teacher on 06.08.1984 in the Mohammad Ali Memorial Primary School, Beawar, Ajmer (hereinafter "the School") managed by the Rajputana Mohammed Ali Memorial Trust Society, Beawar, Ajmer. In this writ petition, the petitioner claims gratuity, leave encashment, D.A., arrears and benefit of selection scale on completion of 9-18-27 years of service with the school as also revision of pay from the school in terms of the 6th pay commission.

Heard. Considered.

Admittedly the petitioner was an employee of the Mohammed Ali Memorial Primary School, Beawar which is an non government educational institute under the Rajasthan Non-Government Educational Institutions Act, 1989 (hereinafter "the Act of 1989"). All disputes as agitated in this petition can be pursued before the Tribunal constituted under the Act of 1989.

I am of the considered view for the above reason that there is no occasion to exercise the equitable extraordinary jurisdiction of this Court in the present petition. The petitioner has an alternative and efficacious remedy under the Act of 1989.

Accordingly the petition is dismissed as not maintainable for the reasons stated above.

The petitioner however may take his remedy before the Tribunal under the Act of 1989. The Tribunal is directed to decide the petitioner's application if filed, within 6 months of the service on the respondents in the application before the Tribunal.

(ALOK SHARMA), J.

R.Vaishnav

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"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed." Ramesh Vaishnav Personal Assistant

सत्यमेव जयते