

dismissed on 27.2.2011. The operative portion of the order is quoted as below :-

"The special leave petitions are accordingly dismissed.

For forcing unwarranted litigation upon the teachers who were paid less than a daily wage employee and were kept out of job for 17 years, the petitioner shall pay cost of Rs.1,00,000/- to each of the private respondent in these petitions.

The petitioner is directed to reinstate the teachers within four weeks and pay the arrears of salary (the amount of salary shall be at par with the salary paid to other similarly situated teachers) along with cost within a period of three months and submit a report to the High Court. Thereafter, the Registry of the High Court shall place the matter before an appropriate Bench after obtaining order from the Chief Justice."

These contempt petitions are filed alleging that the management of the school has not complied with the directions issued by the Hon'ble Supreme Court on 26.7.2011. It is admitted that during the pendency of the contempt petitions, a cost of Rs.1,00,000/- (Rs.One Lakh) was paid to each of the three petitioners and that the arrears of salary from 1997 to August, 2011, when they were reinstated, was paid at the rate of Rs.1,200/- per month which was the last salary drawn by them in the year 1997.

We are informed that considering the fact that the direction was issued that the arrears have to be paid at par with the salary paid to the other similarly situated teachers, the respondents have recalculated the salary and after adding the increments and deducting the amount of P.F. from August, 1997

to August, 2011, the arrears of Rs.1,26,725/- in addition to an amount of Rs.2,26,106/- was paid to petitioner Sunita Bhatnagar, the arrears of Rs.1,11,095/- in addition to an amount of Rs.1,92,266/- was paid to petitioner Neelima Saxena and the arrears of Rs.1,78,325/- in addition to an amount of Rs.2,40,506/- was paid to petitioner Rita Tyagi respectively.

Learned counsel appearing for the petitioners submits that the arrears have not been calculated in accordance with the directions of the Hon'ble Supreme Court. It is stated that the salary is not at par with the salary of similarly situated teachers in as much as, Shri R.P. Mishra was getting higher salary.

The respondents have defended the allegations stating that Shri R.P. Mishra has also worked as Vice Principal and thus, he was paid salary at a higher rate.

The statement has been disputed on the basis of the reply received by him under the Right to Information Act.

We do not propose to go into the question as to whether Shri R.P. Mishra getting higher pay than the petitioners has worked as Vice Principal or not, as such a dispute is not to be decided in the contempt petition.

The petitioner Sunita Bhatnagar is still in job and was getting Rs.1200/- per month in August, 1997. We are informed that in the month of July, 2013, she was getting basic pay of Rs.2,450/- and with dearness allowance and the total salary paid to her was Rs.6,373/- per month. The petitioners Neelima Saxena and Rita Tyagi have since retired.

We are surprised to find that a teacher having post graduate degree teaching qualifications is paid only Rs.6,373/- per month as salary. It is stated that at present, these teachers

are getting salary including other benefits totalling about Rs.8,000/- per month. In our view, the salary paid to the teachers teaching in private institutions in the State of Rajasthan is much below the living wage which is paid to a skilled employee in metropolitan towns. Such low wages prima-facie amount to exploitation which is violative of Article 23 of the Constitution of India.

While dismissing these contempt petitions on the ground that the orders passed by the Hon'ble Supreme Court have been substantially complied with and that there is no wilful default or negligence, we direct that this matter will continue as a public interest litigation for considering whether the private schools in the State of Rajasthan are paying living wages to the teachers with teaching qualifications.

Let notices be issued to the Principal Secretary, Education Department to submit a reply regarding the salary and other allowances which are being paid to teachers in private schools in the State of Rajasthan. He may give the details with regard to the Government intervention in these matters and whether any body is examining these matters for the welfare of the teachers. The notice may be returnable in four weeks.

The matter be listed again on 10.11.2014.

A copy of this order be placed in all the files.

(VIJAY BISHNOI), J.

(SUNIL AMBWANI), Actg.CJ.

S.Phophaliya/-