IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 3rd OF APRIL, 2023

MISC. PETITION No. 4470 of 2019

BETWEEN:-

1. **PRESIDENT MAHARISHI VIDYA MANDIR NATIIONAL OFFICE M.C.E.E CAMPUS BERASIA ROAD LAMBAKHEDA (MADHYA PRADESH)**

2. **NATIONAL OFFICE MAHARISHI VIDYA MANDIR THR. THE NATIONAL COORDINATOR T.M. AND T.M. SIDHI PROGRAMME, M.C.E.E.CAMPUS BERASIA ROAD LAMBAKHEDA (MADHYA PRADESH)**

3. **MAHARISHI VIDYA MANDIR THR. PRINCIPAL SHAKHA 3, BEHIND NAGAR NIGAM MARKET ADHARTAL (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI YOGESH BHATNAGAR, ADVOCATE)

AND

MRS. ANITA SHRIVASTAWA W/O VIJAY SHRIVASTAWA H.NO. 18 BEHIND STUDIO ROOP REKHA ADARSH COLONY ADHARTAL (MADHYA PRADESH)

.....RESPONDENTS

(NONE)

MISC. PETITION No. 5250 of 2019

BETWEEN:-

1. **PRESIDENT MAHARISHI VIDYA MANDIR THR. NATIONAL OFFICE MCEE CAMPUS BERASIA ROAD LAMBAKHEDA BHOPAL (MADHYA PRADESH)**

2. **NATIONAL OFFICE MAHARISHI VIDYA MANDIR THROUGH THE NATIONAL COORDINATOR T.M.**

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ANDT.M. SIDHI PROGRAMME M.C.E.E.CAMPUS BERASIA ROAD LAMBAKHEDA (MADHYA PRADESH)

3. MAHARISHI VIDYA MANDIR THROUGH PRINCIPAL SHAKHA -3 BEHIND NAGAR NIGAM MARKET ADHARTAL (MADHYA PRADESH)

.....PETITIONER

(BY SHRI YOGESH BHATNAGAR, ADVOCATE)

AND

MRS. ANITA SHRIVASTAVA W/O VIJAY SHRIVASTAVA H.NO. 2801/8 NEW ADARSH COLONY ADHARTAL JABALPUR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI VIJAY KUMAR SHRIVASTAVA, ADVOCATE)

These petitions coming on for hearing this day, the court passed the following:

ORDER

Petitioners have filed this petition under Article 227 of Constitution of India, challenging orders dated 13.8.2018 and 11.9.2018 passed by Presiding Officer-Labour Court, Gorakhpur, District Jabalpur.

2. Petitioners have filed an application raising objection regarding maintainability of case for payment of wages on ground of limitation and on ground that respondent does not fall within definition of Workman, therefore, application is not maintainable. Said objection raised by petitioners was taken into consideration and authority took a decision to pass orders on said objection after both the parties were given an opportunity to present their case.

3. Learned counsel for petitioners submitted that authority has wrongly approached the issue. In the case of **Rekha Bhatia vs. Miss Hill Education Society and others, (1998) 2 MPLJ 598**, High Court held that educational institutions are established within definition of Section 1(3)(b) of Minimum

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Wages Act, 1936 and appellant therein is a person employed in the establishment therefore, she will fall within definition of workman.

4. Learned counsel for respondent opposed the prayer made by learned counsel for the petitioners. It is submitted by him that authority has rightly postponed the decision of said issue to be decided after presentation of case by the authorities. Since no order has been passed on merits by the authority, therefore, writ petition is premature and is not maintainable.

5. Heard the learned counsel for the parties.

6. Authority has not passed any order on merits of the case. Decision on objection has been postponed till both the parties present their case and were heard on merits. Adjudication on objection will be mixed question of law and facts.

7. Since no order has been passed taking decision on objection, therefore, writ petition filed by the petitioners is premature and is not maintainable.

8. Misc. Petitions, filed by the petitioners, are **dismissed**.

9. Petitioners will be at liberty to assail order on objections if same is finally decided against them.

(VISHAL DHAGAT)
JUDGE

mms

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