

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1737 OF 2003

Rajendra Pitambar Patil

.. Petitioner

Versus

Vidya Wardhini Sabha through
Chairman and others

.. Respondents

Shri B. R. Warma, Advocate for the Petitioner.

Shri A. G. Talhar, Advocate for Respondent Nos. 1 and 2.

Shri S. A. Ambad, A.G.P. for the Respondent Nos. 3 and 4.

Shri A. B. Girase, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 16TH APRIL, 2015.

PER COURT :

. Mr. Warma, the learned counsel for the petitioner submits that, pursuant to an advertisement, the petitioner applied for the post of lecturer in political science with the respondent No. 2 college. The petitioner was selected after undergoing due selection process by the selection committee. The petitioner had the qualification of SET. The learned counsel submits that, though the post was a full time post, the appointment order was given to the petitioner on clock hour basis. The petitioner approached the grievance committee. The grievance committee directed the respondents herein to carry out necessary correction

in the report of the selection committee and directed the college to sent the proposal and further directed the authorities to grant approval of full time post. The learned counsel submits that, eventually the petitioner in the month of October 2003 left the job, as he was selected through M.P.S.C. as Deputy Chief Executive Officer. The learned counsel submits that, petition is now restricted to the extent of monetary benefit from the date of appointment till September 2003. The learned counsel submits that, though the grievance committee has passed said order, the same is not implemented. The benefits of said order are not extended to the petitioner. The petitioner was doing job of full time lecturer. The respondents be directed to pay the petitioner said benefits.

2. Mr. Talhar, the learned counsel for the management submits that, as per report of selection committee proposal for approval was sent. There is no fault on the part of the management at the relevant time. The petitioner could not have been appointed as full time lecturer, because of the restrictions imposed vide Government Resolution dated 02.06.1998.

3. We have heard the learned counsel for the university also.

4. None of the parties have assailed order of the grievance committee passed U/Sec. 57 of the Maharashtra Universities Act.

The said order has become final.

5. It appears that, the petitioner was delivering about 28 lectures in a month. According to Mr. Girase, the learned counsel for the university a full time lecturer has to attend atleast 28 lectures in a week.

6. We could have considered the case of the petitioner, had the petitioner been discharging his duties as that of a full time lecturer de hors the manner in which the appointment order is issued. As the petitioner was only taking seven lectures in a week, the benefit of a full time lecturer cannot be given to the petitioner. Assuming that, there was some error committed in issuing appointment order, however, the said appointment order is acted upon by all the parties.

7. In the light of the above, it is not possible to grant the relief as claimed by the petitioner. The writ petition as such is disposed of. Rule discharged. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]