

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4439 OF 2014

IN WP/288/2014

DR. GOPAL BABURAO SONDGE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Sharma Vijay

AGP for Respondents State: Mr. K. J. Ghute Patil

Advocate for Respondent No.4 : Mr. Kakade

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**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.****DATE : 24th July, 2015****PER COURT :**

1. We have heard learned Counsel Mr. Sharma for the petitioner. The learned counsel states that condition in Government Resolution dated 5th March, 2011, more particularly condition No.11(5) is erroneous and deserves to be set aside.

2. Learned counsel for the respondent University submits that the case of the petitioner has been considered by the Performance Review Committee and the Committee recommended the petitioner and extension has been sanctioned. In view of this, the condition assailed in the present writ petition remains only academic. As the purpose of the petition stands fructified. Writ petition stands disposed of.

3. As far as payment of salary is concerned, the petitioner has been worked continuously on the said post and the same is also not disputed. Even if the approval has come late, salary needs to be paid for the said period in view of the Judgment of the Apex Court in the case **State of Uttar Pradesh Vs. Dayanand Chakrawarthy & others** reported in **(2013) 7 SCC 595**.

4. It is submitted that the petitioner is not paid emolument from

February, 2014 to July, 2014 and subsequently he is being paid regularly. As the Government resolution has been issued on 21 July, 2014, the University is in doubt as to whether the salary can be paid. As the petitioner has worked for the said period, the petitioner is entitled for salary.

5. In the light of that, in case the petitioner is not paid salary for the period of February, 2014 to July, 2014, then the respondent shall pay the same to the petitioner, expeditiously, preferably within six months.

6. In view of disposal of the writ petition, pending civil applications stand disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC