

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4228 OF 2013

Anil Baburao Suryawanshi & Anr.

..... Petitioners

V/s

The State of Maharashtra & Ors.

..... Respondents

Mr. Umesh Kurund for Petitioners.

Mr. C.P. Yadav, AGP for Respondent Nos.1 and 2/State.

Mr. Sanjay D. Thokade for Respondent No.3-University.

Mr. I.M. Khairdi for Respondent No.4.

CORAM : ANOOP V. MOHTA &

A.A. SAYED, JJ.

DATED : 2 SEPTEMBER 2015

ORDER:

1 Rule, returnable forthwith. Heard forthwith finally.

2 We are inclined to dispose of the present Writ Petition as there is a force in the contention raised by the Petitioners that the post of Principal of a College must be treated as an isolated post and cannot be clubbed together with a post of Principal in another College merely because the Colleges are run by the same Trust or Society. The issue is covered by the Division Bench judgment of this Court in **Writ Petition No.7191 of 2012 (Dr. Mohammad Jilanisha Alisaheb vs. The State of Maharashtra & Ors.)** which has followed the judgment of Supreme

Court in **Indra Sawhney vs. Union of India, AIR 1993 Supreme Court 477**. Another Division Bench of this Court in **Writ Petition No.444 of 2014 (Modern Education Society vs. The University of Pune through Secretary & Ors.)** by judgment dated 6 January 2015 has followed the judgments so referred above. In view of this, and as facts and circumstances are same, present Petition is allowed in terms of prayer clauses (b) and (c) Rule made absolute. No order as to costs.

3 Parties to take steps in accordance with law as early as possible.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

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