

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO. 10244 OF 2013
ALONG WITH
CIVIL APPLICATION NO. 1933 OF 2014***

Dr.Kishan Chandu Rathod

... Petitioner

v/s

The State of Maharashtra & ors.

... Respondents

Mr.Abhijeet A. Desai for the petitioner.

Ms.S.S. Bhende, A.G.P for the State.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 9TH FEBRUARY, 2015

P.C.:

Heard.

Since the issue involved in this petition writ petition and Writ Petition No.10243 of 2013 is identical, and since Writ Petition No.10243 of 2013 is partly allowed, it would be necessary to partly allow this writ petition also.

Hence, for the reasons recorded in the order dated 9th February, 2015 passed in Writ Petition No.10243 of 2013, the writ petition is partly allowed. The impugned order of the Divisional

Joint Director of Higher Education is quashed and set aside. The matter is remanded to the Divisional Joint Director of Higher Education for taking the appropriate action in accordance with law after hearing the petitioner. The petitioner undertakes to appear before the Divisional Joint Director of Higher Education on 2nd March, 2015 so that issuance of notice to the petitioner could be dispensed with. The question of payment of salary to the petitioner would be subject to the decision of the Divisional Joint Director of Higher Education. The Divisional Joint Director of Higher Education is directed to decide the matter as early as possible and positively within a period of six weeks. The contentions raised in the writ petition are kept open.

Order accordingly. No costs.

In view of disposal of the writ petition, the civil application does not survive and stands disposed of.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)