

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11296 OF 2012

Bharatiya Jain Sanghatana & Ors. .. Petitioners
vs.
Dr. Rajendra D. Kankariya & Ors. .. Respondents

WITH
WRIT PETITION NO. 391 OF 2013

Dr. B. R. Sangle .. Petitioner
vs.
Bharatiya Jain Sanghatana & Ors. .. Respondents

Mr. R. D. Soni with V. R. Kastle for Petitioner in WP 11296 of 2012.
Mr. R. S. Datar for Petitioner in WP 391 of 2013.
Mr. Vaibhav Sugdare i/b. O. P. Singh for Respondent No. 1 in WP 11296 of 2012 and for Respondent No. 2 in WP 391 of 2013.
Mr. S. D. Rayrikar – AGP for Respondent Nos. 3 and 4.

CORAM : M. S. SONAK, J.
DATE: 21 DECEMBER 2015

P.C. :-

- 1] Heard the learned counsel for the parties.
- 2] These petitions can be disposed of on the basis of an order, which is agreed to by the contesting parties. In writ petition no. 11296 of 2012 an agreement is reached between the petitioners and the respondent no. 1 and in writ petition no. 391 of 2013, the agreement is reached between the petitioner and the respondent nos. 1 and 2.
- 3] The Directorate of Education (Higher Education), State of

Maharashtra has issued a communication dated 7 August 2015, in which the department has granted its no objection to the notional continuation of services of Dr. Rajendra Kankariya for the period from 1 May 2010 to 31 January 2012 only for the purposes of notional increment by way of notional pay fixation, pensionary and allied terminal benefits. The learned counsel for the parties state that such a letter be taken on record. Accordingly the same is taken on record and marked as 'X' for the purposes of identification.

4] In view of the same, the aforesaid contesting parties agree that the appointment of Dr. B. R. Sangle as Principal of BJS' Arts, Science & Commerce College, Wagholi from 1 August 2011 shall not be affected in any manner and he shall be entitled to salary, pensionary and allied / terminal benefits in future for the period from his date of joining BJS' College on the basis of his appointment from 1 August 2011. Similarly, Dr. Kankariya has waived all his rights for reinstatement as well as backwages and shall have no claims in respect thereof, against the BJS' College on any count whatsoever. Dr. Kankariya, in terms of the letter dated 7 August 2015 will be entitled to benefits of the notional continuation of service for the period and purposes indicated in the said letter. Further, Dr. Kankariya agrees and undertakes to withdraw and/or compromise the under mentioned proceedings in terms of the agreement reached by and between the contesting parties which is recorded in

this order. The proceedings are as follows :

- I) Contempt Application No. 9 of 2012, pending before University Tribunal, Pune;
- II) RTI Application No. 3215 of 2011 filed before RTI Commissioner, Pune;
- III) RTI Application No. 800 of 2012 filed before RTI Commissioner, Pune;
- IV) Criminal Application No. 1174 of 2012 pending before Judicial Magistrate, Pimpri, Pune (present compromise to be filed as compromise pursis / consent term before the learned J.M.F.C., Pimpri, for appropriate orders of dismissal / disposal).
- 5] The impugned orders stand modified in accordance with the terms as aforesaid to be construed along with the letter dated 7 August 2015.
- 6] Rule is accordingly made absolute to the aforesaid extent in both the petitions. There shall be no order as to costs.
- 7] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)