

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 4669 of 2013

(Dr. Satish Gopalkrushana Joshi Vs. State of Maharashtra through its
Secretary, Higher and Technical Education and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri B. G. Kulkarni, Advocate for the petitioner
Shir S. M. Pathan, AGP for the respondent nos. 1, 4 & 5
Shri R. N. Ghuge, Advocate for the respondent no. 2

**CORAM : Smt. V. A. Naik and
P. B. Varale, JJ.**

DATE : 23-11-2015.

Heard.

By this petition, the petitioner challenges the order of the Joint Director, dated 1-8-2013/7-8-2013 declaring the petitioner as surplus and directing his absorption in another college.

It is not in dispute that the petitioner has joined Jagdamba College, Achalpur with effect from 29-4-2014 and is being paid the salary since then.

Shri Pathan, the learned Assistant Government Pleader appearing on behalf of the State Government states that the petitioner would be entitled to continuity in service but he would not be entitled to salary for the period during which he did not join any

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school. It is stated that the petitioner wrongfully did not join despite the order of the Joint Director.

Shri Kulkarni, the learned counsel for the petitioner states that the grievance of the petitioner is partially redressed in view of the statement of the learned Assistant Government Pleader that the petitioner is entitled to continuity of service. The learned counsel for the petitioner states that the petitioner would approach the Civil Court for seeking the arrears of salary for the intervening period.

In the circumstances of the case, we dispose of the writ petition with no order as to costs. The question in regard to the claim for salary would remain open.

Order accordingly.

JUDGE

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