

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 5006 OF 2016

Prof. Ramnath S/o Kondiba Doke ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....

Mr R. R. Mane, Advocate for the petitioner

Mr A. G. Magare, AGP for respondent/State

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CORAM : **S. S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : **30th JUNE, 2016.**

PER COURT:

. The issue raised in this writ petition is no more *res integra* in view of the judgment delivered by this Court in the case of **Khandesh College Education Society V/s. Arjun Hari Narkhede and others (Writ Petition No. 2881 of 2007** and matters connected therewith decided on 09.06.2008. The judgment in the aforesaid matter has attained finality since the Hon'ble Supreme Court has turned down Special Leave Petitions challenging the

decision rendered by the High Court. A petition for review filed against the judgment delivered by High Court has also been dismissed. This Court has followed the judgment delivered in the case of **Khandesh College Education Society (supra)**, in the case of **Kachru Shankar Sahane died through L.Rs. Radhika Kachru Sahane and others V/s. The State of Maharashtra and others (WP No. 8911 of 2011 and other companion matters)** decided on 03rd August, 2015. In view of decision rendered by the High Court in the aforesaid matters, we pass the following order.

ORDER

- a) The petitioner is entitled for the benefits of leave encashment from the concerned Educational Institution concerned. The petitioner shall appear before the respondents concerned for calculating the quantum of amount payable by the institutions concerned to the petitioner. The respondents concerned shall consider the aspect of days of leave to the credit of the petitioner for the purpose of leave encashment. The calculation shall be made

by the respondents concerned within four months from today. After determining the amount, the Institutions concerned shall make payment of the dues to the petitioner in respect of the leave encashment within further period of six months. The Writ Petition is accordingly disposed of. No costs.

[**SANGITRAO S. PATIL**]
JUDGE

[**S. S. SHINDE**]
JUDGE