

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9363/2013

Suresh Manoharrao Devshette.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri S.R. Chowkidar, Advocate h/f Shri V.S. Panpatte,
Advocate for petitioner.

Smt.S.S. Raut, AGP for respondent nos.1 & 2.

None present for respondent no.3.

Shri Vivek Dhage, Advocate for respondent nos.4 & 5.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 02.12.2016

ORDER :

1] Mr.Chowkidar, learned counsel for the petitioner, states that the petitioner was initially appointed to teach History subject in the year 1995-96 and has rendered continuous service, however, on erroneous facts, the respondents terminated the services of the petitioner. In spite of the fact that the said post was on grant-in-aid basis, it was shown that the petitioner

- 2 -

worked on non-grant-in-aid basis and only the posts, which were on non-grant-in-aid basis of history subject were allowed to be closed down. The petitioner having been appointed in 1995-96, even the grants were received for the said subject in 2000. According to the learned counsel, in 2012, the petitioner has been appointed on clock hour basis. The learned counsel submits that there are circulars issued subsequently to suggest that in case such breaks in service are given and the appointment is made by following due procedure of law, the same can be considered. The learned counsel places reliance on the circulars dated 7.6.1980 and 8.8.1996 so also Statute 169 of the University Statute. The learned counsel submits that even on 13.8.2004, the proposal was made to Joint Director of Higher Education by the institution itself. According to the learned counsel, considering all these facts, the petitioner would make a representation to the Joint Director of Higher Education and the Joint Director of Higher Education be directed to consider the same.

2] We have also heard Mr.Vivek Dhage, learned counsel for the respondent nos.4 and 5 and the learned AGP for the respondent nos.1 & 2.

- 3 -

3] We are not inclined to go into the merits of the matter as the petitioner seeks to file a representation / application before the Joint Director of Higher Education with regard to his service to be considered on full time basis and for other purposes such as continuity etc.

4] The petitioner, if he so chooses, may make such a representation to the Joint Director of Higher Education. In case, such a representation is made, the authority shall consider the same on its own merits in accordance with law, rules and policy, expeditiously and preferably within a period of four months from the date of receipt of such a representation. The parties may represent themselves before the authority.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)