

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3077 OF 2016

Mr. Shamrao Baburao Thorat ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Uday P. Warunjkar for the petitioner.

Mr. P.G. Sawant, AGP for respondent no. 1/State.

Mr V.D. Patil for respondent no. 2.

Mr.Sagar Talekar for respondent no. 3.

Mr. A.K. Morwal, Vice President, S.P. College present.

**CORAM : SHANTANU KEMKAR &
RANJIT MORE, JJ.**

DATED : APRIL 20, 2016.

P.C.

Rule. Rule is made returnable forthwith. By consent of the parties, the matter is taken up for final hearing at the stage of admission itself.

2. Heard counsel for the respective parties and the learned AGP for the State.

3. Petitioner claims that he is working on the post of Professor with respondent no. 2 college. By the impugned order dated 16.2.2016 (Annexure "I") respondent no.1 has directed

the petitioner to join respondent no. 3 college. According to the petitioner and respondent no.3 college, there is no post available in respondent no. 3 college and as such it is very difficult rather impossible to accommodate the petitioner in respondent no. 3 college. Mr. Morwal A.K. Vice Principal of respondent no. 2 College submits that in respondent no. 2 college, where the petitioner is presently working, there are seven posts vacant and if the petitioner is transferred to respondent no. 3 college, there would be further shortage of Associate Professors. Today when the matter had come up for hearing, learned counsel for the petitioner argued that this petition can be disposed of by directing the Joint Director of Higher Education, Pune to give opportunity of hearing to the petitioner, the second and also to third respondent college and to take a fresh decision in regard to the petitioner's posting, keeping in view the administrative exigencies. It has been further pointed out by the learned counsel for the petitioner that in this regard joint representation (Annexure "O") dated 25.5.2015 has been submitted to the Joint Director. In view of the aforesaid, this petition is disposed of by directing respondent no.1 Joint Director (Higher Education) Pune Region, Pune to consider the grievance of the petitioner and take

appropriate decision after giving opportunity of hearing to the petitioner as well as respondent nos. 2 and 3. Petitioner and respondent nos. 2 and 3 to appear before Respondent No. 1 Joint Director (Higher Education), Pune Region, Pune on 30th April, 2016. Respondent No. 1 shall take appropriate decision after hearing the parties. In view of the aforesaid, the impugned order is quashed. The interim order passed by this Court shall remain in operation till the fresh decision is taken by respondent no. 1. The decision be taken by respondent no. 1 within four weeks from the date of appearance. Petition stands disposed of.

C.C. as per the rules.

(RANJIT MORE,J.)

(SHANTANU KEMKAR, J.)