

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 163 OF 2015**

|                              |    |             |
|------------------------------|----|-------------|
| Rashad M. Shaikh             | .. | Petitioner  |
| versus                       |    |             |
| Director of Higher Education |    |             |
| Pune & Ors.                  | .. | Respondents |

Mr. Mihir Raut i/b. Namrata Rane for Petitioner.  
Mr. M. M. Pabale – AGP for State.

**CORAM: DR. MANJULA CHELLUR, C. J. AND  
M. S. SONAK, J.**

**DATE : 15 DECEMBER 2016**

**P.C.:**

1] The petitioner, who claims to have instituted the present petition in public interest has certain grievances in the matter of reinstatement of respondent nos. 12 to 15 despite they having deserted their duties for considerable period. The petitioner also has similar grievances in respect of such benefits awarded to respondent nos. 16 and 17, who, it appears, by now have already retired from service. The petitioner seeks directions to respondent nos. 1 to 4 to require respondent nos. 6 to 9 to remove respondent nos. 12 to 15 from employment and further, to recover from respondent nos. 6 to 9 the amounts, if any, which they may have paid to respondent nos. 12 to 17, from out of the grants received from the State Authorities.

2] In the matter of such nature, we were disinclined to entertain any public interest litigation. However, since the issue of disbursement of

State Aid was involved, affidavit in reply from the State Authorities was called for.

3] Dr. Vijay Pandurang Narkhede, Joint Director of Higher Education, Pune, has filed affidavit dated 15 July 2016 on behalf of respondent nos. 1 to 4. Therein, he has stated that the school management, earlier, terminated the services of its employees on the charge of desertion from duty after due conduct of enquiry against them. Such termination however, was without obtaining permission from the office of the Joint Director, Higher Education. Thereafter, the school management, it appears, has reviewed its own order and reinstated such employees. Again, this exercise was without obtaining the permission from the Joint Director of Higher Education. Therefore, by letter dated 3 September 2015, such position was brought to the notice of the school management. The school management was also informed that if any excess payment has been made to such staff members, then, the same may be deposited with the Government by taking out appropriate challan. The affidavit states that responsibility for making payment to such staff members was that of the management and if any excess amount has been paid to them from out of the Government grants, then, the same may be deposited by the management in the relevant Government account as per the assessment report.

4] The aforesaid return, to a substantial extent, redresses the grievance raised by the petitioner. In any case, respondent nos. 1 to 4 are directed to follow up the matter by treating the memo of the present petition as a representation and to take suitable action in accordance with the law. Such exercise to be completed within a period of six months from today and the final decision may be

communicated to the petitioner within the said period.

5] This petition is disposed of with the aforesaid direction. There shall be no order as to costs.

6] All concerned to act on basis of authenticated copy of this order.

**CHIEF JUSTICE**

**(M. S. SONAK, J.)**

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