

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1419 OF 2015

Chitra Anant Salunke

.. Petitioner

Vs.

The Principal,

Siddharth College of Law and ors.

.. Respondents

Mr.A.G.Damle, Senior Advocate a/w Mr.Sahil Mahajan, for the Petitioner.

Mr.P. K. Dhakephalkar Senior Advocate a/w Mr.Sanjiv Sawant, Mr.B.K. Barve, Mr.Preshit Bagul i/b B.K.Barve & Co., for Respondents No. 1 & 2.

Mr.Rui Rodrigues, for Respondent No.3.

Mrs.Uma Palsule-desai, AGP for Respondents No. 4 & 5.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.**

DATE : 27th SEPTEMBER, 2016

P.C. :

. Parties through their Counsel.

2. Through this Petition under Article 226 of the Constitution of India, the petitioner is claiming following reliefs.

(a) this Hon'ble Court be pleased to hold and declare that the impugned actions of the respondent Nos. 4 and 5 in not paying the arrears of salary and back wages of the petitioner to an amount of Rs.27,46,079/- is pre-se illegal, null and void ab initio and unconstitutional;

(b) this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other writ, order or direction commanding the respondent Nos. 4 & 5 to pay immediately an amount of Rs.27,46,079/- as arrears of salary and back wages along with interest @ 18% on an amount of Rs.27,46,079/- from 1.5.2014 until payment, recovery or realization thereof ;

(c) this Hon'ble Court be pleased to issue a writ of certiorari or writ in the nature of certiorari or any other appropriate writ, order or direction calling for the records of the papers and proceedings of termination of petitioner from her service and of arrears of salary and back wages of the petitioner and direct the respondent Nos. 4 & 5 to pay immediately an amount of Rs.27,46, 079/- as arrears of salary and back wages along with interest @ 18% on an amount of Rs.27, 46,079/- from 1.5.2014 until payment, recovery or realization thereof...”

3. We find that in the earlier round of litigation, when the matter went upto the Supreme Court, the Supreme Court on the basis of the consent terms - Exhibit 'C', passed following order on 26/03/2014.

“ The special leave petition is disposed of in terms of the settlement/consent terms.

In view of the settlement, the appointment of the Enquiry Officer is recalled.”

Thereafter, this Petition has been filed seeking aforesaid reliefs.

4. Learned Counsel for the petitioner submits that from

time to time, the Joint Director, Higher and Technical Education Department of the State Government had forwarded the proposal made by the Management making favourable comments, but till date the Competent Authority i.e. Secretary of Higher and Technical Education Department has not decided the proposal. The State Government has filed reply and have denied the claim made by the petitioner. However, we find that the proposal which was recommended to some extent by the Joint Director of Higher and Technical Education Department of the State Government is required to be decided by the Secretary of Higher and Technical Education, but that has not been done as yet.

5. In the circumstances, as agreed to by the learned Counsel appearing for the parties, we dispose of this Petition by directing Secretary of Higher and Technical Education to consider and take appropriate decision on the pending proposal in regard to the claim made by the petitioner, uninfluenced by the stand taken in the reply. The petitioner to appear before

Secretary of Higher and Technical Education on 05/10/2016 at 3.00 p.m. The Secretary of Higher and Technical Education on that date, or within 2 weeks thereafter give opportunity of hearing to the petitioner and shall pass detailed reasoned order within 2 months from the date of hearing of the matter.

6. Needless to say that we have not commented upon the merits of the petitioner's claim and all the contentions are kept open.

7. Writ Petition stands disposed of.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)