

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5583 OF 1999

Chandrakant S/o. Daulatrao Patil,
Aged 48 years, Occ. Service,
Resident of Plot No. 35, Shri Samarth Krupa,
Pramodnagar, Sector No. 2, Deopur,
Dhule, Tal. & Dist. Dhule. ...Petitioner.

Versus

1. The State of Maharashtra.
2. The Director of Higher Education,
Maharashtra State, Pune.
3. The Joint Director of Higher Education,
Jalgaon Division, Jalgaon.
4. North Maharashtra University,
Jalgaon, District Jalgaon,
Through its Registrar.
5. Shri Shivaji Vidya Prasarak Sanstha,
Dhule, District Dhule.
Through its President.
6. Lata Karmaveer Dr. P.R. Ghogare,
Science College, Dhule, Dist. Dhule.
Through its Principal. ...Respondents.

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Advocate for Petitioner : Shri S.R.Barlinge
AGP for Respondents: Shri S.S.Dande

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CORAM : RAVINDRA V. GHUGE, J.
Dated: May 09, 2017
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ORAL JUDGMENT:-

1. By this petition, the petitioner had put forth the following substantive prayers.

"(A) By a Writ of Certiorari or any other appropriate Writ, Order or Directions in the like nature, the impugned order dated 7.9.1999 passed by the Director of Higher Education, Maharashtra State, Pune, respondent no.2, be quashed and set aside.

(B) By a Writ of Certiorari or any other appropriate Writ, Order or Directions in the like nature, the respondents be directed to transfer the employees strictly as per their seniority on the ground of surplusage without introducing the element of reservation while implementing the scheme.

(C) By a Writ of Certiorari or any other appropriate Writ, Order or Directions in the like nature, the circulars issued by the respondent nos.2 and 3 thereby protecting the employees belonging to backward classes from being transferred to to any other college on account of surplusage, be quashed and set aside;"

2. By order dated 19.12.1999, this petition was admitted and the impugned order dated 7.9.1999 declaring the petitioner surplus was stayed.

3. The learned AGP appearing on behalf of the respondent / State has made a strong attempt to support and justify the impugned order. Learned counsel for the petitioner, however, submits that since this Court stayed the impugned order, the petitioner continued

in employment as a Lecturer in Chemistry and during the pendency of this petition, has attained the age of superannuation.

4. Considering the peculiar facts as above, I do not find it appropriate to consider the validity of the impugned order as no purpose would be served keeping in view, that the petitioner continued in employment and has superannuated.

5. In the light of the above, this petition is allowed in terms of prayer clause (A). Rule is made absolute accordingly.

(RAVINDRA V. GHUGE, J.)

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