

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 8900 OF 2017
IN
WRIT PETITION NO.8098 OF 2016

Dr. Ashok s/o Bhaurao Naikwade

..Applicant

Versus

The State of Maharashtra and ors.

..Respondents

Mr Pradeep Deshmukh, Advocate for applicant

Mr V.S. Badakh, AGP for respondents no.1 to 3

Mr S.S. Thombre, Advocate for respondents no.4 and 5 in W.P.

Mr V.G. Sakolkar, Advocate for respondent no.6 in W.P.

**CORAM : R.M. BORDE AND
A.M. DHAVAL, JJ**

DATE : 4th August 2017

PER COURT

1. The applicant-petitioner contend that the salary admissible to the applicant-petitioner is not being paid since last two years on account of certain complaints lodged by certain organisation. It is not a matter of dispute that the post of the applicant has been approved by the University. In the affidavit-in-reply presented on behalf of Joint Director, Higher Education, Aurangabad, it is recorded that the applicant was working as an Associate Professor and Head of the Department of Political Science in Deogiri College. Respondent no.6-society published an advertisement calling the applications for filling the vacancy of Principal of the College. The applicant-petitioner has been selected by interview committee and has been appointed as a Principal by order dated 1st June 2015. it is also stated that University has approved the selection/appointment of the applicant-petitioner. However, MUPTA organisation has filed complaint to the office of

respondent no.3 raising objection to the appointment of the applicant-petitioner to the post of Principal. The Gupta Committee, which has considered the issue has pointed out that the A.P.I. score of the petitioner is 679.5 as against the requirement of 400. The petitioner further contends that since last two years, the salary admissible to him is not being paid.

2. In the circumstances, subject to the final outcome of the petition, we direct the respondents to pay 50% of the back wages receivable by the applicant-petitioner subject to tendering an undertaking by the petitioner that in the event of failure of the petition, he would refund the amount received by him within a period of four months from such adverse decision. The affidavit shall be tendered on record before this Court. The 50% of the back wages admissible to the applicant-petitioner shall be paid within four weeks from today. Regular salary admissible to the applicant-petitioner shall be paid subject to outcome of the instant petition.

3. Place the petition for further consideration after four weeks.

4. Civil Application stands disposed of accordingly.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)