

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4302/2016

(Dr. Dineshkumar s/o Onkarnath Agrawal vs. The State of Maharashtra and others)
AND

WRIT PETITION NO. 5189/2016

(Dr Anis Ahmed Khan vs. The State of Maharashtra and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri B.G.Kulkarni, Adv. for petitioner/s
Shri N.S.Rao, A.G.P for respondent nos.1 to 3
Shri P.B.Patil, Adv. for respondent no.4

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATED : 2nd March, 2017.

1. Heard.
2. Learned A.G.P in Writ Petition No.5189/2016 informs that reply-affidavit is already drafted and can be filed with the Court within one week
3. After hearing respective counsel, we find that the controversy is covered by judgment dated 07.06.2016 delivered in Writ Petition No. 6376/2015. There, we have kept all contentions open after finding that the eligibility of that petitioner-Dr. Pramod Yeole in terms of Government Resolution dated 11.02.1994 itself was not evaluated. Accordingly, with direction to examine the eligibility in terms of five norms mentioned in said G.R. dated 11.02.1994 that Writ Petition was disposed of. One of us (B.P. Dharmadhikari, J.) is a party to that judgment.

4. Adv. Kulkarni fairly informs that, exercise in terms of said direction was undertaken and Dr. Yeole was found not complying with the norms prescribed therein. This finding has been assailed in independent petition before this Court.

5. He also points out that challenge as raised in these two petitions is also contained in two more matters which are already admitted for final hearing. However, he adds that as the eligibility of petitioners in those matters and in the these matters in terms of above-mentioned G.R. has never been examined, whenever those matters are taken up the direction to respondent no.3 to determine eligibility in terms of said G.R. will be necessary.

6. Learned A.G.P is opposing any remand at the stage.

7. Adv. Patil submits that without prejudice to contentions of parties and to further the process of consideration, eligibility of respective petitioner can be independently examined in terms of said Government Resolution.

8. As this course of action is already adopted while disposing of Writ Petition No. 6376/2015 on 07.06.2016, we direct respondent-Joint Director of Higher Education, Nagpur Division, to consider the Govt. Resolution dated 11.02.1994 and subsequent policy decisions, if any, and to find out eligibility of petitioners for clubbing of their earlier service with present service. The exercise shall be completed within a period of two months from today. If necessary, an opportunity of hearing shall be extended to petitioners.

9. With these directions and keeping all rival contentions open, we dispose of both the petitions. No costs.

JUDGE

JUDGE

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