

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

**REVIEW APPLICATION STAMP NO. 19856 OF 2018
IN
WRIT PETITION NO. 3328 OF 2017**

The State of Maharashtra and others .. Applicants

Versus

Ajay Bapuappa Kurhe and others .. Respondents

Shri S. B. Yawalkar, Addl.G.P. for Applicants.

Shri Kalyan Patil, Advocate h/f Shri S. R. Barlinge, Advocate for
Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.**

DATE : 10TH AUGUST, 2018.

FINAL ORDER :

. Mr. Yawalkar, the learned Additional Government Pleader for applicants submits that, there was no permission to the respondent/institution for the computer science subject. As per Sec. 82(5B)(b) of the Maharashtra Universities Act, 1994 for commencing any new faculty or subject permission of State Government is necessary. It is further submitted that, in absence of permission, the State cannot be burdened with financial liability to pay salary to the employees.

2. The submission that the computer science subject was never granted permission is not in consonance with the affidavit

filed by the State Government in the writ petition. Relevant portion of the affidavit of the State reads as under :

"I say and submit that, first time in the year 2004-2005 permission was granted to respondent no. 5- College for computer science subject as such respondent no. 5- College did not comply the condition of Government Resolution dated 4-4-2012 therefore name of respondent no. 5 college's name is not included in the list annexed to Government Resolution dated 4-4-2012 and therefore petitioner is not entitled for the reliefs claimed under the writ petition."

3. It would be clear that since 2004-2005 100% grant in aid was sanctioned to the Computer Science subject and salary was paid of the lecturers. It is only after G. R. dated 04.04.2012 grant in aid was stopped and thereafter present writ petition came to be filed.

4. While disposing of the writ petition, we have considered the affidavit filed by the State, so also the fact that, university granted permission to start Computer Science subject in the year 1998. The services of the original writ petitioners to teach computer subject were also approved. The subject computer maintenance was affiliated subject of science faculty and university had sought consent for the change of subject from Computer Maintenance to Computer Science and thereafter

granted approval to the appointment of the petitioners as lecturers in Computer Science. We have observed that, the respondent would be estopped by conduct, so also the respondent after having sanctioned grant-in-aid since the year 1998 to the Science faculty and the subject Computer Science was brought on 100% grant-in-aid in the academic year 2004-2005, now cannot be allowed to resile.

5. In view of the affidavit filed by the State and other attending circumstances, there is no error apparent on the face of record. The review application is dismissed. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18