

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

944 WRIT PETITION NO. 8049 OF 2013

PARIVARTAN EDUCATION SOCIETY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Deshmukh Yashodeep P. And
Mrs. Anuja D. Sarvade

AGP for Respondent Nos. 1 & 2 : Mr.A.V.Deshmukh

Advocate for Respondent No. 3 : Mr. Tope S.S.

Advocate for Respondent No. 4 : Mr. H.T. Gaikwad

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CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JUNE 27, 2018

O R D E R :

1. Mr. Deshmukh, learned counsel for the petitioner submits that the approval granted to the selection/appointment of respondent no. 4 as Principal is erroneous. The respondent no. 4 did not possess 10 years teaching experience. He was not qualified for the post of Principal. The learned counsel submits that respondent no. 4 has been terminated from service on 19.9.2011 and salary to him for the post of Principal is paid up to the date he is terminated.

2. Mr. Gaikwad, learned counsel for respondent no. 4 submits that respondent no. 4 was not terminated, but he was relieved from service so as to join another institution. The respondent no. 4 possessed requisite experience.

3. Mr. Tope, learned counsel for the University submits that initially, approval was granted to the appointment of respondent no.4. Then it was cancelled under order dated 5.7.2011. Thereafter one man committee was appointed to consider the eligibility of respondent no. 4 to officiate on the post of Principal. He submitted report stating that respondent no. 4 has experience of 11 years 9 months and as such revised approval was granted.

4. This court, on 3.10.2013 had issued notice and granted ad-interim relief in terms of prayer Clause (D). The order granting approval to appointment of respondent no.4 as Principal was

stayed by this court.

5. It is submitted that respondent no. 4 has left the petitioner institution in 19.9.2011. We need not enter into the debate as to whether respondent no. 4 was terminated from service or relieved from service, however, it is not disputed by any of the parties that respondent no. 4 is not with the petitioner institution after 19.9.2011.

6. It is further submitted that the salary to respondent no. 4 of the post of Principal has been paid only upto 19.9.2011.

7. As respondent no. 4 is no longer in the employment of the petitioner, the issue raised in the present writ petition do not survive for determination.

8. In case the parties are aggrieved by any orders that are not subject matter of Writ Petition, they are at liberty to take appropriate proceedings, as may be permissible in law.

9. Writ petition accordingly disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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