

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

**WRIT PETITION NO. 11664 OF 2015
WITH
CA/4294/2018 IN WP/11664/2015**

**RAHUL KISANRAO MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.U.R.Awate, Advocate for petitioner

Mrs.M.A.Deshpande, Addl. G.P. for respondent nos.1, 2
and 6

Mr.S.G.Chapalgaonkar, Advocate for respondent no.3

Mr.S.D.Hiwrekar, Advocate for intervenor

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : OCTOBER 23, 2018

PER COURT

Heard Mr.Awate, learned Advocate for the
petitioner, Mrs.Deshpande, learned Addl. Government
Pleader for respondent nos.1 and 2 – State and
Mr.Chapalgaonkar, learned Advocate for respondent no.3
– University.

2. The petitioner claims to have been
accommodated as Lecturer on the grant-in-aid post with

effect from December, 2014. The petitioner further claims that his appointment on grant-in-aid post has been approved by the University. Thereafter, a proposal was sent to the Joint Director of Higher Education. The Joint Director, Higher Education, Aurangabad referred the proposal to the Director of Higher Education, Pune and sought guidance on 25.05.2015. However, the Joint Director/Director of Higher of Education has not decided the proposal, as yet. Consequently, the petitioner has not been paid salary since December, 2014.

3. Mr.Chapalgaonkar, learned Advocate for the respondent – University, on the basis of the available documents, submits that the University has granted approval to the appointment of the petitioner on grant-in-aid post.

4. Mr.Hiwrekar, learned Advocate for the intervenor, submits that the petitioner is not eligible to be appointed on the said post.

5. In the present matter, we are not concerned with the qualification/eligibility of the petitioner. It appears from the documents that the University has granted approval to the appointment of the petitioner on grant-in-aid post. However, as the proposal in respect of the petitioner is pending with the Joint Director of Higher Education, his salary could not be paid. The proposal is forwarded to the Joint Director of Higher Education in 2015. The Joint Director, in turn, sought guidance from the Director, Higher Education. More than three years have lapsed, but no decision has been taken on it as yet. Resultantly, the salary has not been disbursed to the petitioner.

6. Considering that no final decision has been taken as yet, we direct the Joint Director of Higher Education, Aurangabad Division, Aurangabad, to take a decision on the proposal referred to it by Dr.Babasaheb Ambedkar College of Arts and Commerce,

Aurangaad, on 09.02.2015, on its own merits in accordance with law expeditiously and preferably, within four months from today. The Director of Higher Education may sent his recommendations within a period of one month from today.

7. Depending upon the decision that may be taken by the Joint Director of Higher Education, further recourse be taken in respect of salary of the petitioner immediately.

8. The Writ Petition is accordingly disposed of. No costs.

9. In view of disposal of the Writ Petition, Civil Application also stands disposed of.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp