

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 2717 OF 2016

Suresh Kumar Upadhyaya

... Petitioner

Versus

The Principal Hindi Junior College and Ors.

... Respondents

Mr. R.S. Apte, Sr. Advocate a/we Mr. A.A. Garge and Mr. K. Bhalerao for the petitioner.

Mr. C.K. Thomas I/by M/s.C.K. Thomas & Associates for respondent no. 1.

Mr.Sandeep Bhalerao for respondent nos. 2 to 5.

**CORAM : SHANTANU KEMKAR &
NITIN W. SAMBRE, JJ.**

DATE : JUNE 22, 2018

P.C.:

Parties through their counsel.

2. By consent of the parties, heard finally.

3. During the course of the hearing, learned counsel for the petitioner has made a limited prayer that this petition may be disposed of by directing respondent no. 3 to consider petitioner's representations in the light of the observations made in paragraph 3 of the order dated 19/4/2010 passed by the Division Bench of this court in the case of Petitioner himself in WP No. 2234 of 2010.

He also submits that in view of the subsequent developments, more particularly, in view of the law laid down by the Division Bench of this court in the case of Cannosa Society and another Vs. Commissioner, Social Welfare Directorate and Ors. in WP No. 1049 of 2012, the respondent no. 1 being trust which runs Linguistic Minority Education Institution, the surplus employees could be thrust upon it and this question be also directed to be considered by the respondent no. 3.

4. Having considered the submissions made by the learned counsel for the parties, we dispose of this petition by directing the third respondent to consider petitioner's representations which are already pending and the representations as may be filed by the petitioner within two weeks from today. The decision on the said representations be taken after by taking into consideration the observations made by the Division Bench and the law laid down by the this Court in the case of Canossa Society within three months from the date of receipt of the fresh representation

5. With the above observations and direction, the Petition is disposed of.

6. We make it clear that we have not made any observations about the merits of the petitioner's case and the third respondent

is free to decide the representation in accordance with law taking into consideration the observations of both the above referred cases.

(NITIN W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)