

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 208 OF 2003

J. V. Pathare

...Petitioner

VS

Director of Art & Ors.

...Respondents

.....

Mr Mihir Joshi for the Petitioner

Mr Milind More, AGP for Respondent Nos.1 and 3.

Ms Shivangi J. Rajak i/b Mr D.S.Sapkale for Respondent No.4.

.....

**CORAM : B.R.GAVAI &
B.P.COLABAWALLA, JJ.
JANUARY 04, 2018.**

P.C.:

The Petitioner challenges the order of revision dated
11th December, 2002.

2 The Petitioner was working with Respondent No.2
from 1st October, 1975. The Petitioner was initially appointed as
Assistant Lecturer after obtaining Master Degree in Fine Art.
Thereafter she was promoted to the post of Lecturer on 3rd
August, 1998. In April 2002 against the vacancy arising out of
the superannuation of Shri. J. C. Walkar, she came to be

promoted as a Professor. The promotion of the Petitioner to the post of the Professor was through selection process and was done after approval from Respondent No.1. By subsequent order, the Petitioner was promoted to the post of Principal of Respondent No.2 in clear vacancy which occurred due to superannuation of one Shri S. H. Mantri.

3 By the impugned order dated 11th December, 2002, Respondent No.1 directed Respondent No.2 to revert the Petitioner to the post of Lecturer and handover the charge of the post of Principal to Respondent No.4.

4 Learned Judges of the Division Bench of this Court on 5th June, 2003, after finding that the impugned order was issued without following the principles of natural justice and further that Respondent No.4 was junior to the Petitioner and further finding that the post of Principal being a single isolated post could not be reserved, granted rule and also interim protection in terms of prayer clauses (c) and (d).

5 The effect of the interim order passed by this Court

was that the order of revision was stayed and the Petitioner would continue to work on the post of Principal.

6 The period of almost 15 years have lapsed from the date on which the interim order was granted by this Court. By efflux of time, the Petitioner has also retired from the service. We are therefore of the considered view that since the Petitioner was continued on the post of the Principal in pursuant to the order passed by this Court, the Petitioner would be entitled to all the benefits on the basis of the post which was occupied by her at the time of her superannuation.

7 In that view of the matter, the impugned order dated 11th December, 2002 is quashed and set aside. Needless to state that all the benefits, if any, that have not already been paid to the Petitioner should be paid to the Petitioner considering that she has superannuated from the said post. The Petition is disposed of in the aforesaid terms. No costs.

(B. P. COLABAWALLA, J.)

(B.R.GAVAI J.)