

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

**WRIT PETITION NO. 11528 OF 2017**

1. Appasaheb S/o Manohar Humbe,  
Age: 64 years, Occ. Pensioner,  
R/o: 19, Pankaj, Colony,  
TV Center, Sawedi Road,  
District Ahmednagar.
  2. Vishnu S/ Kondiram Dhas,  
Aged: 64 years, Occ: Pensioner,  
R/o: 15, Sahkarnagar, Near Sapkal,  
Hospital, Savedi, Ahmednagar.
- ... PETITIONERS

**VERSUS**

1. The State of Maharashtra,  
Through : the Secretary,  
Higher Technical Education Department,  
Mantralaya, Mumbai-32.
2. The Deputy Director of  
Higher Education Pune Division,  
Pune.
3. The Principal,  
New Arts, Commerce & Science College,  
Ahmednagar.
4. Ahmednagar Zilla Maratha Vidya Prasdarak,  
Samaj, Ahmednagar,  
Through its Secretary,  
Lal Taki Road, Ahmednagar.

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Mr. P.L. Sirsamkar, Advocate for petitioners.  
Mrs.V.S. Chaudhary, AGP for respondents No. 1 and 2  
Mr. V.B. Jadhav, Advocate holding for  
Mr. A.V. Hon, Advocate for respondents No. 3 and 4

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WITH

**WRIT PETITION NO. 2464 OF 2019**

1. Ahmednagar Zilla Maratha Vidya Prasarak  
Samaj, Ahmednagar,  
Laltaki Road, Ahmednagar,  
District Ahmednagar.  
Through its Secretary  
Genuji S/o Dagdoji Khandeshe,  
Age: 82 years, Occ. Agriculture,  
R/o.: "Charushilp" Agarkar Mala,  
Ahmednagar, Dist. Ahmednagar.
2. The Principal,  
New Arts, Commerce & Science College,  
At Ahmednagar. ... PETITIONERS

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Higher Education Department,  
Mantralaya, Mumbai.
2. The Director of Higher Education,  
Maharashtra State, Pune.
3. Savitribai Phule Pune University,  
at Pune, Ganesh Khind, Pune,  
Through its Registrar
4. Appasaheb Manohar Humbe,  
Age major, Occ. Pensioner,  
R/o: 19 , Pankaj Colony,  
T.V. Venter, Sawedi Road,  
Ahmednagar, Dist. Ahmednagar.
5. Vishnu s/o Kondiram Dhas,  
Age : major, Occ. Pensioner,  
R/o: 15, Sahkarnagar, Near Sapkal  
Hospital, Savedi, Ahmednagar,  
Dist. Ahmednagar. ... RESPONDENTS.

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Mr. V.B. Jadhav, Advocate holding for  
Mr. A.V. Hon, Advocate for petitioners  
Mrs.V.S. Chaudhary, AGP for respondents No. 1 and 2  
Mr. P.L. Sirsamkar, Advocate for respondents No. 4 and 5

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**CORAM : T.V. NALAWADE &  
K. K. SONAWANE, JJ.**

**DATED : 26<sup>th</sup> JULY, 2019.**

**ORAL JUDGMENT : ( Per : T.V. Nalawade, J.)**

1. Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsel for the parties at admissions stage.

2. First proceeding bearing Writ Petition No. 11528 of 2017 is filed by two employees of respondent No. 4 - Ahmednagar Zilla Maratha Vidya Prasarak Samaj, Ahmednagar, for issuing directions to the respondents to pay the benefits of encashment of earned leave of 180 days and comply the order dated 31-08-2018 made by Grievance Committee of Savitribai Phule Pune University. The Grievance Committee has considered the Statutes 424(C) of Pune University, which was considered by the Apex Court in the case of ***Khandesh College Education Society, Jalgaon and another Vs. Arjun Hari Narkhede and others : State of Maharashtra and others reported in 2011(CJ (SC) 1027***. The Grievance Committee has held that employees are entitled to get leave encashment of earned leave, which was in balance in their account to the extent of 180 days.

3. Second proceeding bearing Writ Petition No. 2464 of 2019 is filed by the Institution - Ahmednagar Zilla Maratha Vidya Prasarak Samaj, Ahmednagar, challenging the order dated 31-08-2018 made by Grievance Committee of Savitribai Phule Pune University, in complaint Nos. 31 and 32 of 2015.

4. The learned counsel for the petitioners – employees (in writ petition No. 11528 of 2017) placed on record the Judgment in the case of ***Khandesh College Education Society, Jalgaon and another Vs. Arjun Hari Narkhede and others : State of Maharashtra and others reported in 2011(CJ (SC) 1027***, so also orders passed by this Court in ***Writ Petition No. 12016 of 2015 (Sahebrao Sukdeorao Rindhe Vs. State of Maharashtra) dated 29-04-2016 and connected matters, Writ Petition No. 8911 of 2011 (Kachru Shankar Sahane died through L.Rs. Radhika Kacru Sabane and others Vs. State of Maharashtra and others) dated 03-08-2015 and connected matters, Writ Petition No. 14727 of 2017 (Deorao Bajaba Dhamane and others versus The State of Maharashtra and others) dated 10-04-2018 and connected matter*** and also ***Writ Petition No. 2881 of 2007 (Khandesh College Education Society Vs. State of Maharashtra) dated 09-06-2008 and connected matters***. It is not in dispute that the issue involved in both the proceedings is no more *res-integra* in view of the aforesaid decisions of this Court. This Court considered the same and issued directions in Writ Petition No. 12016 of 2015 (Sahebrao Sukdeorao Rindhe Vs. State of Maharashtra) (***Supra***), thus, such directions need to be given in present matters also. Needless to state that petition filed by petitioners-employees is allowed in terms of operative portion (a) of the Writ Petition No. 12016 of 2015, which reads as under:

"(a) *The petitioners are entitled for the benefits of leave encashment from the concerned Educational*

*Institutions. The petitioners shall appear before the concerned Respondents for calculating the quantum of amount payable by the concerned Institutions to the petitioners. The concerned Respondents shall consider the aspect of days of leave to the credit of the petitioners for the purpose of leave encashment. The calculation shall be made by the concerned Respondents within four months from today. After determining the amount, the concerned Institutions shall make payment of the dues to the petitioners in respect of the leave encashment within further period of six months. The Writ Petitions are accordingly disposed of. No costs."*

5. This Court is upholding the order made by Grievance Committee, Savitribai Phule Pune University. The relief is granted in favour of the petitioners-employees in Writ petition No.11528 of 2017. The Writ Petition No.11528 of 2017 is allowed in terms of prayer clause "B". Rule is made absolute accordingly.

6. Another proceeding bearing Writ Petition No. 2464 of 2019 stands dismissed. Rule stands discharged to the extent of Writ Petition No. 2464 of 2019.

Sd/-

**[ K. K. SONAWANE ]**  
**JUDGE**

Sd/-

**[ T.V. NALAWADE ]**  
**JUDGE**

MTK.