

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

913 WRIT PETITION NO.483 OF 2019

**DARYAVSING DHARMA PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Prakashsing B. Patil
AGP for Respondent : Mrs. M. A. Deshpande

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**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 7th February, 2019

ORAL ORDER :

1. Heard Mr. Patil, the learned counsel for the petitioners.
2. As a limited grievance is raised in the petition, we are of the opinion that the petition can be disposed of at the admission stage itself.
3. The petitioners are the teaching employees/lecturers, who were working for the respondent No. 5 - Society i.e. Yashwantrao Chavan Shikshan Prasarak Mandal, Erandol, Tq. Erandol, Dist. Jalgaon. Learned counsel invited our attention to various representations made by the petitioners, firstly to the President of Society and then to the respondent - authorities. Perusal of one of

such representation/remainder dated 08.08.2015 shows that the petitioners are referring to the relevant provisions of the University Act as well as decision of this Court in Writ Petition No.1469/2008 and decision of the Hon'ble Apex Court in Special Leave Petition No.17039 and 17040 of 2008. It seems that certain query was raised and to that query also the respondent responded by communication dated 22.09.2015 and representation dated 18.08.2010 to the Principal of the College. It may not be necessary for us to refer the detail of these representations, suffice it to say that ultimately the petitioners have approached the authority of the State Government i.e. the Joint Director of Higher Education, Jalgaon Division Jalgaon. It is submitted by learned counsel that the proposal was then forwarded to the Joint Director Higher Education, Jalgaon Division, Jalgaon through the Principal. The copy of proposal dated 21.09.2015 is placed on record at Exhibit-C. Learned counsel submits that till date, there is no decision on the proposal dated 21.09.2015.

4. Learned AGP submitted that though the petitioners claimed for the benefit of leave encashment, probably this monetary benefit is due not from the State Authority but from the Management. This submission is made by learned AGP in view of certain orders of this Court. At this stage, we are not dealing with this issue. In view of the fact of the proposal forwarded by the Principal is pending decision

of the Joint Director of Higher Education, Jalgaon Division Jalgaon since 2015. The Joint Director is at liberty to consider all the relevant materials, including the judgments of this Court and the judgments of the Hon'ble Apex Court. Accordingly, we disposed of the petition with the directions to the Joint Director, Higher Education, Jalgaon Division Jalgaon, to decide the proposal dated 21.09.2015 submitted to him through respondent No. 6 – Principal of Dadasaheb D. S. Patil Arts, Commerce and Science College Erandol Dist. Jalgaon, needless to state on the merits of the proposal as early as possible and not later than 6 weeks from the date of order of this Court. With these directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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