

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAO] No.1259 of 2018
in
Civil Application [CAW] No.2630 of 2016
in
Writ Petition No.2210 of 2014 (D)

Babulal Sadashiv Dhotre & others
vs.
State of Maharashtra & another

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri G.N. Khanzode, Advocate for the Applicant.
Shri V.A. Dhabe, Advocate for the Petitioners.
Shri A.M. Kadukar, A.G.P. for Respondent Nos.1 & 2.
Shri Firdos Mirza, Advocate for the Intervenor.

CORAM: SUNIL B. SHUKRE & S.M. MODAK, JJ.
DATE : 11th JUNE, 2019.

Heard Shri Khanzode, learned Counsel for the applicant/administrator, Shri Dhabe, learned Counsel for the original petitioners, Shri Kadukar, learned A.G.P. for original respondent Nos.1 & 2 and Shri Mirza, learned Counsel for the intervenor.

It appears that it is only the learned Counsel for the petitioners, who has strong objection against allowing of this application. The objection is based upon the ground that *inter se* dispute between the Principal and one faction of the management has come to an end after the compromise reached between them, which has been recorded by the College Tribunal and, therefore, now there is no need to appoint any Administrator.

We do not understand as to how the original petitioners, who are only the employees and who are

interested in regular payment of their salaries, can dispute something which amounts to taking sides with one section of the warring groups of the Management. It is for this group to come forward to intervene in the matter and say something about the same, which they have not done so far.

Besides, while disposing of Writ Petition No.2210/2014 vide order dated 12th August, 2014, this Court appointed an Administrator to look after the financial management.

This order never said that the Administrator would be appointed for a limited period of time or till the dispute amongst the fractions or with the Principal came to an end. Later on, there was one more order passed on 13th December, 2016 by this Court in a bunch of civil applications appointing the present applicant Dr. Pramod Lakhe to be the Administrator in place of Dr. Bhau Pundlik Dayedar, who was due to retire on attaining the age of superannuation on 31st December, 2016. Even at that time, this Court did not say anything about the duration or the tenure of the Administrator so appointed.

For all these reasons, the original petitioners, having no *locus standi* and in any case having not demonstrated that the original order appointing the Administrator had prescribed a fixed time line, now cannot oppose this application.

Coming back to the merits of the application, we find that even the State Government has no objection as regards the substitution of the present Administrator by another competent Administrator and that is the reason why the

Government in its reply has suggested three names, who could be considered for being appointed as an Administrator.

We find these names in the communication of the State Government, dated 08/10/2018. Out of the three names suggesting therein, we are inclined to approve the name of Dr. Archana Nerkar, Joint Director, Higher Education, Nagpur with her experience in the education field making her to be more suitable to be appointed as an Administrator.

Accordingly, the application is allowed. The present applicant Dr. Promod Lakhe is relieved of his duty as an Administrator with immediate effect and in his place Dr. Archana Nerkar, Joint Director, Higher Education, Nagpur is appointed as new Administrator with immediate effect.

The application is disposed of accordingly.

JUDGE

JUDGE

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