

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

WRIT PETITION NO. 6025/2006

Shaligram S/o Bajirao Thakre & anr. Vs. State of Maharashtra & ors.

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

Court's or Judge's Orders.

Shri R.L. Khapre, Advocate for petitioners.
Ms. S. Haider, Assistant Government Pleader for respondent Nos. 1 & 4.

CORAM : A.S.CHANDURKAR AND VINAY JOSHI, JJ.
DATED : FEBRUARY 07, 2020.

The petitioners have challenged the order dated 23.08.2006 passed by the respondent No. 2 – Sant Gadge Baba Amravati University, Amravati refusing to approve the re-employment of the petitioner No. 1 as Principal at the petitioner No. 2 – College.

2. During the pendency of the petition, the Petitioner No. 1 has expired and the learned counsel for the petitioners seek leave to delete the name of the Petitioner No. 1. Leave granted.

3. Shri R. L. Khapre, learned counsel for the petitioner No. 2 submits that in view of the decision of the ***Supreme Court in case of B. Bharat Kumar & ors. Vs. Osmania University & ors. with other connected matters, 2007 AIR SCW 3278***, the declaration sought by the Petitioner No. 2 now cannot be granted. He however, submits that since by virtue of the interim order passed by this Court on 10.01.2007, the Petitioner No. 1 was re-employed in terms of the Circular dated 25.07.2002. The Petitioner No. 1 worked as Principal till the age of 65 years. He

has however, not been paid the remuneration for the same.

4. In view of the subsequent adjudication of the question raised in the writ petition, the following order would serve the interest of justice:-

(i) The Respondent No. 4 shall determine the amount payable to the Petitioner No. 2 in the light of the duties discharged by the petitioner No. 1 on the post of Principal after the age of 62 years.

(ii) Considering the period for which such work was discharged, the amount in that regard be released in favour of the Petitioner No. 2 within period of two months from today. The petitioner No. 2 shall thereafter, pay that amount to the legal heirs of the Petitioner No. 1. With these directions, writ petition is disposed of. No costs.

JUDGE

JUDGE

Gohane.