

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

912 WRIT PETITION NO.7237 OF 2016

**MADHAV JANARDHAN HEBADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Sagar Killarikar Balaji L.

AGP for Respondents-State : Mr. S. B. Yawalkar.

Advocate for Respondent No.3 : Mr. S. S. Dargad h/f

Mr. S. G. Chapalgaonkar.

Advocate for Respondent No.4 : Mr. S. V. Adwant.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 07.09.2021

PER COURT :-

1. We have heard the learned advocates for the respective sides and have perused the petition paper book with their assistance. Considering the order that we intend to pass by the consent of the petitioner, we need not advert to the entire submissions of the learned advocate.

2. The Grievance Redressal Committee of the Dr. Babasaheb Ambedkar Marathwada University had passed a resolution for referring the case of the petitioner to the Deputy

Director, Higher Education, Aurangabad to look into the aspect of his salary bills having been disallowed though he has been confirmed in employment as a Lecturer by the College, who had appointed him. The decision of the Grievance Redressal Committee was also placed before the Management Council under the then Maharashtra Universities Act for ratification. In its meeting held on 24.09.2014, the Management Council confirmed the decision and referred the matter to respondent No.2 - Joint Director of Higher Education, Aurangabad.

3. It is by the impugned order dated 25.02.2015 that respondent No.2 has confirmed the decision of the Government in disallowing the salary bills of the petitioner.

4. We find that the astonishment expressed by the learned advocate for the petitioner as regards the cryptic impugned orders passed, is well placed. We do not find a single reason assigned by respondent No.2, much less a conclusion that because there was a fall in the workload that the salary bills of the petitioner have been rightly disallowed. We are taken aback by the fact that respondent No.2 has merely reproduced the resolution passed by the Grievance Redressal Committee, in

bold letters, and has not assigned a single sentence in support of the conclusion, which he has mechanically arrived at apparently displaying non application of mind. This is most unexpected of an Officer who occupies a high office of the Joint Director of Higher Education. We express our serious displeasure.

5. In view of the above, this petition is partly allowed. The impugned order dated 25.02.2015 is quashed and set aside.

6. Considering the request of the petitioner, consequentially, the file of the petitioner is restored to respondent No.2. We expect respondent No.2 to decide the case of the petitioner on it's own merits by perusing the records of the College to assess as to whether there is a fall in the number of students and whether the workload had reduced as in 2013 onwards. The situation in the following seven (7) years may also be taken into account so as to assess whether the workload has increased, since this may permit the College to grant workload to the petitioner. We expect this entire exercise to be completed and a reasoned order be passed by respondent No.2 by 30.11.2021. Respondent No.2 would give

a higher priority to this matter and would not seek extension of time.

7. We are sure that respondent No.4 - Management would extend its co-operation.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-