

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

908 CIVIL APPLICATION NO.11956 OF 2019
IN RA/55/2016 IN WP/5567/2013
WITH
RA/55/2016

RAHUL SITARAM BRAHMANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Y.P. Deshmukh h/f. Mr. A.D. Kawre
AGP for Respondent 1/State : Mr. P.K. Lakhotiya
Advocate for Respondent 2 : Mr. S.C. Chapalgaonkar
Advocate for Respondent 3 : Ms. R.R. Bachate

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 09/07/2021.

PER COURT :

. The applicant seeks review of the order passed by this Court, disposing of the writ petition and directing the petitioner to avail the remedy of filing civil suit or any other proceeding in view of the fact that there is dispute in the management.

2. It has been brought to our notice that the Division Bench of this Court under order dated 4th April 2013 in Writ Petition No.6892/2011 with connected writ petition had passed order, considering the dispute between two groups of the management. This Court had directed the Director of Technical

Education to take suitable steps for ensuring payment of salary to the employees of the P.E.S. Engineering College, Aurangabad as well as for making payment of taxes to various authorities. The Director of Technical Education was also authorised to take all necessary steps and issue instructions for compliance of the directions in respect of the disbursement of the salary to the employees of P.E.S. Engineering College, Aurangabad.

3. Mr. Deshmukh, learned advocate for petitioner submits that except the present applicant, all other employees have been paid salary by the Committee pursuant to the order passed by this Court dated 4th of April 2013 in Writ Petition No.6892/2011.

4. It is brought on the record by the learned A.G.P. that the Joint Director of Technical Education had received the letter from Mr. Wadekar that the service of the petitioner were terminated vide letter dated 7th April 2015 and that he had withdrawn amount of Rs. 42,81,492/-.

5. In the review, we cannot go in to the factual dispute. The petitioner was already given liberty to avail the remedy of filing suit or otherwise. According to the petitioner, the petitioner

is discharging his duty from 1st February 1996 in the polytechnic college run by the respondent institution. It is for the Director of Technical Education to consider all aspects after receiving same from the management of the institution and the petitioner.

6. The learned counsel for the petitioner submits that the petitioner is restricting his claim as Associate Professor and not as a Principal. The statement is accepted.

7. The Committee may consider the claim of the petitioner for payment of salary on its own merits by going through the record. The petitioner may submit the claim for payment and salary as claimed by him for the post of Associate Professor. The respondent No. 4 shall consider the claim of the petitioner and may take decision after considering the record and rival claims of the petitioner and the management/institution.

8. In case, the dispute between the petitioner and management for payment of salary is not concluded, then the petitioner is already granted liberty to avail remedy of filing civil suit. The Director of Technical Education may endeavour to take decision as observed above, preferably within six months.

9. With the aforesaid observations, civil application and review application stand disposed of.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/