

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
***CIVIL APPELLATE JURISDICTION***

**INTERIM APPLICATION NO. 1523 OF 2021**  
**IN**  
**WRIT PETITION NO. 2985 OF 2021**

**ALONGWITH**  
**WRIT PETITION NO. 2985 OF 2021**

**Dr.Sachin Hari Deshpande**

**..... Applicant/  
Petitioner**

**VERSUS**

**State of Maharashtra & Ors.**

**..... Respondents**

Mr.S.V.Marne, i/b. Mr.V.P.Shirke for the Applicant in the Interim Application.

Ms.Kavita N.Solunke, A.G.P. for the State – Respondent no. 1.

**CORAM: R. D. DHANUKA AND  
R.I.CHAGLA, JJ.**

**DATE : 20<sup>th</sup> JULY, 2021**  
**(THROUGH VIDEO CONFERENCE)**

**P.C:-**

Writ petition not on board, taken on board.

2. Leave to amend is granted to the petitioner to amend the prayer clause (b) of interim application by correcting the date from 16<sup>th</sup> April, 2021 to 29<sup>th</sup> September, 2020. Amendment to be carried out within three days from today. Re-verification is dispensed with.

3. By this interim application, the applicant seeks permission to

resume/rejoin his duties in pursuance of order dated 16<sup>th</sup> April, 2021 and direct the respondent nos. 2 and 3 to pay to the applicant the salary and allowances w.e.f. 16<sup>th</sup> April, 2021.

4. In the writ petition filed by the petitioner, the petitioner prays for a writ of certiorari for quashing and setting aside the show cause notice dated 6<sup>th</sup> March, 2021 as well as the entire departmental proceedings initiated vide memorandum dated 5<sup>th</sup> September, 2013 with all consequential benefits.

5. Mr.Marne, learned counsel for the applicant invited our attention to the letter dated 16<sup>th</sup> April, 2021 annexed at Ex.B to the interim application addressed to the petitioner stating that in the Governing Council Special Meeting held on 14<sup>th</sup> April, 2021 in presence of six members, the issue raised by the petitioner was considered sympathetically and liberally in the interest of Tilak Ayurved Mahavidyalaya and students. It was resolved to reinstate the applicant on the post of Assistant Professor in Shalyatantra Department of Tilak Ayurved Mahavidyalaya, subject to the approval to be granted by the Director of “Ayush” Sanchalanalaya, Mumbai and to do needful for receiving such approval. The petitioner thereafter has requested the respondent no.3 to guide him about joining for the work as Assistant

Professor at Tilak Ayurved Mahavidyalaya, Pune. Rashtriya Shikshan Mandal informed the applicant that till such time approval is granted by the State Government, the applicant cannot be allowed to resume services.

6. In view of the letter dated 16<sup>th</sup> April, 2021 issued by the Rashtriya Shikshan Mandal, Writ Petition No.2985 of 2021 does not survive as has become infructuous.

7. Since the order is already passed by the college subject to the approval of the State Government, we direct the respondent no.1 to consider the said proposal submitted by the respondent no.3 within six weeks from today and shall convey the order that would be passed to the petitioner within one week thereafter.

8. If any adverse order is passed by the respondent no.1, the petitioner would be at liberty to challenge the said order by filing appropriate proceedings. If the approval is granted by the respondent no.1, the petitioner can apply for salary and allowances w.e.f. 29<sup>th</sup> September, 2020.

9. Writ petition as well as interim application are disposed of in the

aforesaid terms. There shall be no order as to costs.

10. The applicant is directed to serve a soft copy of the interim application to the respondents within three days from today.

**[R.I.CHAGLA, J.]**

**[R. D. DHANUKA, J.]**