

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

WRIT PETITION NO.8869 OF 2015

Tambe Maruti Govind .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Mr.Laxman S. Deshmukh i/by Mr.Pankaj P. Deokar for the petitioner.
Ms.Kavita N.Solunke, AGP for the respondent nos.1 to 3-State.
Mr.Milind Deshmukh for the respondent nos.5 & 6-Management.

**CORAM : R.D. DHANUKA
R.I. CHAGLA, JJ.
DATE : 30th AUGUST 2021**

P.C.:-

. Leave to amend is granted to the petitioner to delete the name of the respondent no.4 as no relief is sought against the respondent no.4. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Learned AGP waives service for the respondent nos.1 to 3 and Mr.Deshmukh, learned advocate waives service for the respondent nos.5 & 6. By consent of parties, petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of India, the petitioners have prayed for a writ of mandamus or any other writ in the nature of mandamus for passing appropriate directions against the respondent nos.1 to 3 to add the name of the petitioner in salary bill and start the salary as per rule. The petitioner also seeks direction for payment of salary from the date of joining of his services in the respondent no.5 institute.

4. It is the case of the petitioner that the petitioner was appointed as Lecturer in history subject. Various appointment letters in this regard are annexed at pages 12 to 15 to the petition. Vide letter dated 16th March 2012, the respondent no.5 requested the respondent no.4 to continue the services of the petitioner. On 27th December 2012, the Director of the respondent no.4 addressed a letter to the Principal of the College thereby granting permission to the appointment of the petitioner subject to rules and regulations.

5. On 8th February 2013, the college requested the Divisional Deputy Director, Higher Education, Kolhapur to include his name in salary pay bill. However, on 12th March 2013, the respondent no.4 cancelled the permission on the ground of change of the staffing pattern. On 7th October 2014, the Joint Secretary of the respondent no.5 forwarded various details to the Director of Education, Higher Education with a request to start salary of the petitioner. Learned counsel for the petitioner states that the Director of Education, however, has not considered the case of the petitioner though all the details are already furnished. Statement is accepted.

6. We accordingly direct the Divisional Director of Higher Education, Kolhapur to consider the documents forwarded by the management of the respondent no.5 in connection with the appointments of the petitioner and shall pass an order after giving personal hearing to the petitioner and the management within eight weeks from today. The petitioner is directed to remain present along with the management before the Joint Director of Higher Education, Kolhapur Division,

Kolhapur on 6th September 2021 at 11.00 a.m. The order that would be passed by the Joint Director, Higher Education shall be conveyed to the petitioner within one week from the date of passing of order. If the said order is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings. All contentions of both the parties are kept open.

7. Writ petition is disposed of in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

R. I. CHAGLA J.

R.D. DHANUKA, J.