

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 1536 OF 2019

Dr. Madhavi Pethe

... Petitioner

V/s.

Parle Tilak Vidyalaya Association & Ors.

... Respondents

Mr. Mihir Desai, Senior Advocate a/w. Mr. Swaraj Jadhav for the
Petitioner

Mr. Aniruddha Joshi a/w. Mr. Lalit Jain a/w. Ms. Sarika Mehra i/b. LJ
Law for Respondent No.1

Mr. Neel Helekar for Respondent No.2

Ms. Jyoti Chavan, AGP for Respondent Nos. 3 to 5

Mr. Abhijeet Kulkarni for Respondent No.6

***CORAM : NITIN JAMDAR &
C.V. BHADANG, JJ.
(Through Video Conferencing)***

DATE : 1 JULY 2021

P.C. :-

The Petitioner has filed this Petition for a direction to the Respondents to accept the proposal for voluntary retirement of the Petitioner and for release of the consequential benefits.

2. On 6 April 2021 the Petition was adjourned to 15 June 2021 after recording the statement of the learned AGP as under :-

“ Learned AGP for the Respondent – State tenders affidavit-in-reply and states that in case the Petitioner considers refunding the amount of salary received for 80 days for shortfall in the notice period, processing of pension papers of the Petitioner can be done.

2. Learned Counsel for the Petitioner seeks time to take instructions.

3. Stand over to 15 June 2021, subject to the SOP governing the adjourned date regarding prioritization of the cases to be listed. If the Petitioner is agreeable to the suggestion of the learned AGP, liberty to apply for an earlier date.”

3. The learned Counsel for the Petitioner states that the Petitioner has considered this position and has given instructions to her Advocate that she is ready to give up the amount of salary of 80 days for the shortfall of the notice period. The learned AGP states that being the position as stated on 6 April 2021, further process in respect of the Petitioner’s proposal can now be taken.

4. In view of this consensus between the parties, the learned Counsel for the Respondent – College states that the Respondent – College has no objection to this arrangement between the Petitioner and the State Government and will forward the necessary papers within a period of two weeks. After receipt of

papers, the Respondent Nos. 4 and 5 will take necessary steps as per law as early as possible. For that purpose, after the proposal is so received from the College, the Respondent No.4 will call the Petitioner for a meeting either physically or through video conferencing so that further steps in respect of release of the consequential benefits can be expedited. We expect that the concerned authorities, considering the work schedule available to them, will take necessary steps as expeditiously as possible.

5. The Writ Petition is accordingly disposed of.

C.V. BHADANG, J.

NITIN JAMDAR, J.