

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

WRIT PETITION NO. 1387/2021

1. Gramin Vikas Sanstha
Hinganghat, Dist.Wardha
Through its Secretary
Janrao s/o Ramchandra Raut,
Aged 75 years, R/o Hinganghat
Tq. Hinganghat, Dist.Wardha.
2. R.S.Bidkar Arts, Commerce and
Science College, Hinganghat
Dist.Wardha
Through Its Officiating Principal,
Ranjan Shrawan Ghubde.

..PETITIONERS

v e r s u s

1. State of Maharashtra
Through Secretary to Ministry of
Higher Education
Department, Mantralaya,
Mumbai-32.
2. Joint Director of Higher Education
Nagpur Region, Nagpur,
Old Morris College Building
Nagpur.
3. Dr.Bhaskar s/o Govindrao Ambatkar
Aged about 65 years, occu. Principal
R.S. Bidkar Arts, Commerce and
Science College,
Hinganghat, Dist.Wardha.
4. Chandrashekhar s/o Uttamrao Kute
Aged about 34 years, occu: Laboratory Assistant
R.S. Bidkar Arts,Commerce and Science College
Hinganghat, Dist.Wardha.

5. Director of Higher Education {Res.No.5 added vide
Maharashtra State Court's order dtd.16.7.21}
Central building, Pune 411001. **RESPONDENTS**

.....
Mr R.L.Khapre, Sr.Advocate a/b. Vijaykumar Paliwal, Advocate
for petitioners

Mrs.Ketaki Joshi, Govt. Pleader for respondents 1 and 2

Mr. A.S. Deshpande, Advocate for respondent nos.3 and 4
.....

CORAM: SUNIL B. SHUKRE &
ANIL L. PANSARE, JJ

DATED : 22nd November, 2021.

ORAL JUDGMENT: (PER SUNIL B.SHUKRE, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally by consent.

2. The respondent no.5 - newly added respondent has not filed any reply in the matter. The order dated 16th July 2021 highlights the importance of reply of respondent no.5 but, of course, filing or not filing of reply, is the choice of the respondent no.5 and we leave the matter at that position only.

3. Learned Government Pleader, on instructions, submits that if the Investigating Officer approaches the Managing Committee of the petitioner no.1-Sanstha for grant of sanction for prosecuting the respondent nos.3 and 4 under the provisions of Prevention of Corruption Act, the Managing Committee must take appropriate

decision.

4. Mr. R.L.Khapre, learned senior Advocate for the petitioners submits on instructions that the Managing Committee of the petitioner no.1 would take appropriate decision in the matter in such an eventuality.

5. It is pointed out that now the subsistence allowance has already been released in March 2020 and it has also been received by respondent nos.3 and 4. Now the only issue which remains to be resolved is in respect of non-payment of salary to respondents 3 and 4 for the period from 1st March 2020 to 20th February 2021 and thereafter till date. In this regard, we find that though a decision ought to have been taken by respondent no.5 regarding grant of approval for prosecution of respondent nos.3 and 4 or otherwise, the respondent no. 5 did not take any decision and it is today only, by way of oral submission, it has been submitted that the Managing Committee would take a proper decision. Perusal of reply filed by the respondent nos.1 and 2 along with documents annexed thereto would show that the respondent no.5 was approached for appropriate decision/guidance in the matter way back in July 2020 but he did not make any response. In such a case, no blame can entirely be placed on the shoulders of the Managing Committee of the petitioner no.1 in reinstating in service of

respondent nos.3 and 4. Of course, it would be a different matter if a decision regarding prosecution of respondent nos. 3 and 4 is taken by the Managing Committee but till the time such a decision is taken, it would be necessary that salary which is due and payable to the respondent nos.3 and 4 is paid by the Management and since the petitioner no.2 is a college which is receiving grant-in -aid, necessary funds for the same would also have to be released by respondent nos.1 and 2. Accordingly, we direct the respondent nos.1 and 2 to release the funds for payment of salary to the respondent nos.3 and 4 for the period claimed in Prayer clause (1) and also for the further period, till till the time appropriate decision is taken by the Managing Committee regarding prosecution of respondent nos. 3 and 4 under the provisions of Prevention of Corruption Act or otherwise.

6. Rule is made absolute in the aforesaid terms. No costs.

JUDGE

JUDGE

sahare