

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 WRIT PETITION NO.7796 OF 2021

DR. VITTHALRAO LAXMANRAO YERANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr G. G. Kadam, Advocate for petitioner;
Ms R. P. Gaur, A.G.P. for respondent Nos.1 to 3
Mr S. M. Vibhute, Advocate for respondent Nos.4 & 5

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 26th April, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (C) and (D),
which read as under :-

“C] This Hon’ble Court may kindly be pleased to issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the respondents particularly respondent nos. 4 and 5 to release the remaining withhold amount of earned leaves encashment of Rs. 14,21,601/- with @18% interest from its deposit in the salary account of Maharashtra Mahavidyalaya Nilanga to the pension account of the petitioner (Account No. 20225744264, Bank of Maharashtra, Branch Nilanga).

D] The respondent nos. 2 and 3 may kindly be directed to take strict legal action against the respondent nos. 4 and 5 for illegally withholding the earned leaves encashment amount of the petitioner.”

(2)

2. The Joint Director, Higher Education, Nanded, has entered an affidavit-in-reply on 17/11/2021, in which, it is pointed out that the petitioner owed amounts to the Government in view of having occupied the official accommodation, and yet having himself forwarded his own bills towards H.R.A. and received the said amount illegally from the Government.

3. It is, thus, obvious that, though the petitioner prays that the amount is illegally withheld by a private college, which is 100% grant-in-aid, the dispute as regards the payment of the said amount and recovery of large amounts from the petitioner, are writ large. Disputed questions cannot be dealt with by this Court, while exercising its extra ordinary jurisdiction. The petitioner, therefore, will have to avail of a remedy, as may be permissible in law, for seeking recovery of amounts, wherein such disputed issues can be dealt with on the basis of oral and documentary evidence recorded by the parties.

4. In view of the above, this petition is disposed off, with liberty to the petitioner to avail of the remedy of filing a civil suit for recovery of amounts. We make it clear that we have not

(3)

expressed any opinion on the rival contentions of the parties.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

sjk