

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

916 CIVIL APPLICATION NO.10775 OF 2021
WITH
WRIT PETITION NO.2297/2016
WITH
WRIT PETITION NO.4353/2016
WITH
WRIT PETITION NO.4352/2016
WITH
WRIT PETITION NO.2295/2016
WITH
CIVIL APPLICATION NO.4493/2020
IN
WRIT PETITION NO.4352/2016

SARIKA BHAUSAHEB GHULE
VERSUS
SANJIVANI NAVNATH SANT AND OTHERS

...

Advocate for Applicant : Mr. Bora Satyajit S.
Advocate for Respondents 4 & 5 : Mr. A. V. Hon

CORAM : RAVINDRA V. GHUGE, J.
DATE : 11th March, 2022

ORDER:

1. By this application (CA No.10775/2021), the applicant seeks intervention in the pending petitions/CA No.4493/2020 on the ground that through she is not connected with the cause of action emerging from these petitions, the order passed by this Court (Coram V. L. Achaliya, J). on 26.06.2020 jeopardizes the rights of the intervention applicant.

2. I have considered the submissions of the learned Advocates for the respective sides.

3. The Educational Institution has informed the Deputy Director of Education, Pune that the intervention applicant, though is not a part of the Commerce faculty, is teaching the subject Economics which falls in the Arts faculty. An employee by name Mohiniraj Pandurang Dhagude, who was teaching the Economics subject in the Arts, Commerce and Science College, Rahuri, was in the Arts faculty and not in the Commerce faculty. The present intervention applicant has been appointed in place of Mr. Mohiniraj Dhagude who has superannuated. However, since this Court has used the word 'Commerce faculty' while issuing an injunctory order on 26.6.2020, it has a sweeping effect and on the basis of which, the Management is not willing to pursue the proposal for seeking approval to the appointment of the intervention applicant in view of the injunction and, therefore, even the competent authority is not moving to accept the proposal as there is an injunction.

4. The learned Advocate for the Management and the original appellant, based on the documents placed on record at page 103 in Writ Petition No. 4352/2016 agree that one appellant Smt. S.N. Sant was teaching the OC subject in the Commerce faculty and the other appellant Shri S.R. Tanpure was teaching SP subject in the Commerce

faculty. It is thus clear that the intervention applicant is teaching Economics subject in the Arts faculty and is unconnected with the dispute between the Management and the appellants pending before this Court.

5. Considering the above, it would suffice to modify the injunction order at Clause (E) below paragraph No. 5 in the order dated 26.6.2020. For this purpose, the intervention of the applicant is not necessary.

6. As such, this intervention application is partly allowed only to the extent of modifying the direction, Clause (E) as under:

(E) In case the roster is verified, finalized or approved by the competent authority before the due date, then the respondents are directed not to fill in the vacancy which may be available in the OC and SP subjects.

(RAVINDRA V. GHUGE, J.)

JPC