

JPP

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

WRIT PETITION NO. 3981 OF 2022

Dr. Tanaji Narayan Kolekar

... Petitioner

V/s.

Punyashlok Abhilyadevi Holkar
Solapur University, Solapur and Anr.

... Respondents

Mr. Milind Deshmukh for the Petitioner
Mr. R.M. Haridas i/b. Mr. P.P. Kulkarni for Respondent No.2
Mr. N.C. Walimbe, AGP for the Respondent Nos. 5 and 6

***CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.***

DATE : 8 APRIL 2022

P.C. :-

Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent No.2 and the learned AGP for the Respondent Nos. 5 and 6.

2. Perused the report dated 21 March 2022 placed before us by the learned Counsel for the Respondent No.2. The report is taken on record and it is marked 'A' for identification. On going

through this report, we find that the recommendations have been made by the Committee regarding fixation of the dates from which the salary benefits be given to the Petitioner. In this Petition, the Petitioner is mainly aggrieved by the inaction on the part of the University in not fixing the dates from which the salary benefits are to be made available. The University has not so far taken any decision upon the recommendations made to it by the Committee in this regard. Therefore, till an appropriate decision is taken by the Competent Authority, the Petitioner would have no cause of action to approach this Court. Therefore, we find that this Petition has been prematurely filed.

3. The Petitioner has also sought a restraining order from this Court so as to prohibit the Respondent No.1 from acting beyond her jurisdiction and authority by initiating any high handed action against the Petitioner. The relief so claimed is without any basis to say the least and therefore, so far as this relief is concerned, it deserves to be dismissed and is accordingly dismissed.

4. The relief claimed in prayer clause (b) is about fixation of the dates from which the salary benefits are to be made available to the Petitioner, and, we have already found that the Petition has been prematurely filed, so far as this relief is concerned.

5. Accordingly, the Petition is also dismissed as regards prayer clause (b) but with liberty to the Petitioner to approach this Court if there is any fresh cause of action. All questions are kept open with further liberty to the Petitioner to take recourse to such appropriate remedy as may be available in law.

G.A. SANAP, J.

SUNIL B. SHUKRE, J.