

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Writ Petition No.1194 of 2022**

Rajendra Kashinath Tembhurne,
Aged 58 years,
Occupation- Service,
R/o 48, Welekar Layout,
Manewada Road,
Nagpur 440027.

... Petitioner

Versus

1. The State of Maharashtra,
through its Secretary,
Department of Higher and Technical
Education,
Mantralaya, Mumbai-400032.
2. The Director of Higher Education,
State of Maharashtra,
Central Building,
Pune-411001.
3. The Joint Director of Higher Education,
Nagpur Division, Old Morris College Compound,
Civil Lines, Nagpur-440001.
4. Indira Gandhi Arts and Commerce College,
Kalmeshwar,
through its Principal,
Near Police Station,
Kalmeshwar, Tal. Kalmeshwar,
Dist. Nagpur 441501.

... Respondents

Shri B.G. Kulkarni, Advocate for Petitioner.

Ms N.P. Mehta, Assistant Government Pleader for
Respondent Nos.1 to 3.

Shri V.P. Marpakwar, Advocate for Respondent No.4.

**CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.
DATE : 26th SEPTEMBER, 2022**

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

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. We find that the appointment of the petitioner as Lecturer in Commerce in respondent No.4- College was duly made after following proper procedure. It is also not in dispute that after termination of the service of the petitioner, the petitioner was reinstated by way of a compromise with the Management and this compromise was duly approved by the respondent No.3- Joint Director of Higher Education, Nagpur Division, Nagpur on 21-8-2020. If this is so, it is not permissible in law for the respondent No.3 to re-open the issue of appointment of the petitioner as Lecturer in Commerce while considering his request for inclusion of his name in Sevarth System and on-line payment of salary. This is the view taken by this Court in several of its judgments rendered in past, some of which are in Writ Petition No.8813 of 2021 in the case of *Smt. Sanjana Sachin Chougale (Nee Shilatai Madhukar Dhanvade) Vs. The State of Maharashtra, through Secretary and others*, and in Writ Petition No.8966 of 2021 in the case of *Amol Baban Sangar Vs. State of Maharashtra, through the Secretary, School Education and Sports Department and others*, both decided on 24-2-2022.

3. The petition is, therefore, allowed. The respondent No.3 is directed to include the name of the petitioner in Sevarth System and pay the regular salary to the petitioner, including arrears of salary, if any, within a period of four weeks from the date of the order.

4. Rule is made absolute in above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar