

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

WRIT PETITION NO. 1013 OF 2017

PETITIONERS :-

1. Dr.Abdul Shakeel Sattar s/o Abdul Sattar, aged about 47 years, Occu. Service, R/o Plot No.1/A-2 Jafar Nagar, Katol Road, Nagpur.
2. Dr.Vijay s/o Ramkrishna Bagde, Aged about 50 years, Occu. Service, R/o Shriram Nagar, Udya Nagar Chowk, Nagpur.
3. Virendra s/o Yashwantrao Admane, aged 48 years, Occup. Service, R/o Naik Road, Mahal, Nagpur.
4. Niyz Ali Shahad Ali, aged about 40 years occu. Service, R/o Buddha Nagar, Nagpur.
5. Shadab Education Society Nagpur, Through its Secretary Rehman Khan Maheboob Khan, aged 63 years, R/o Plot No.11, Rathod Layout, Behind Police Line Takli, Katol Road, Nagpur.

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra, through its Principal Secretary, Higher and Technical Education Department, Mantralaya, Mumbai-32.

2. The Joint Director of Higher Education, State of Maharashtra, Nagpur.
3. Rashtra Sant Tukadoji Maharaj Nagpur University Nagpur, through its Registrar, Civil Lines, Nagpur.
4. Dipak Martrao Nagose, aged Major Occu. Business, R/o 43, Old Subhedar Layout, Nagpur.
5. Dr.Pramod Lakhe, Administrator Hazrat Baba Tajuddin Arts and Commerce College, Nagpur.
6. Dr.Ashok Kapta, Principal, H.B.T. Arts and Commerce College, New Subhedar Layout, Nagpur.

Mr.Firdos Mirza, counsel for the petitioners.
Mrs.S.S.Jachak, AGP for respondent Nos.1 and 2.
Mr.Mayank Agnihotri, counsel for respondent No.4.
Mr. P P Thakre, counsel for respondent No.6.
None for respondent Nos.3 and 5.

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

DATE : 07.01.2022.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties. Though duly served, respondent Nos.3 and 5 are absent.

3. We have gone through the additional affidavit dated 13/11/2019, filed by petitioner No.2. It gives the details of compromise, which has taken place between contesting respondent No.4 and the other rival group claiming to be Management. It is seen that as now there is a patch up between respondent No.4 and the other rival group, all disputes relating to withholding of the salary have been resolved and therefore, it now appear that this petition can be allowed.

4. Learned counsel appearing for respondent No.4 agrees and submits that he would have no objection if the petition is allowed. However, learned counsel for respondent No.6, who has been added as the intervener party in this case has an objection. Taking of objection by respondent No.6, in our view is having now no basis as admittedly respondent No.6 has been

placed under suspension and admittedly respondent No.6 was not the Principal of the college at the time when the impugned order was passed. At the time of passing of the impugned order, the Management of the college was being looked after by a Court appointed Administrator. Therefore, if any objection was to be taken, it ought to have been taken by the Administrator, but that does not appear to be the case here. Therefore, the objection of respondent No.6 is rejected.

5. In view of above, the petition deserves to be allowed and it is allowed in terms of prayer clauses (a) to (c).

6. Rule is made absolute accordingly. No costs.

7. In view of disposal of writ petition, pending application(s) is(are) disposed of.

(ANIL L. PANSARE, J)

(SUNIL B. SHUKRE, J)