

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

CIVIL APPLICATION (CAW) NO.635 OF 2021

IN

WRIT PETITION NO.5638 OF 2017(D)

Mangesh s/o Sureshrao Khode

..VS..

Joint Director of Education, Amravati Division, Amravati and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri P.S.Patil, Counsel for the Applicant/Petitioner.

Shri M.M.Agnihotri, Counsel for the Respondent No.3.

Mrs.K.R.Deshpande, Assistant Government Pleader for the
Respondent No.1.

CORAM : A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.

DATED : 5/7/2022

1. Heard.

2. The petitioner seeks a direction to be issued in terms of order passed by this Court in Writ Petition No.5638 of 2017 on 27.3.2019. According to the petitioner, he is entitled to salary from the month of August 2016 till the month of October 2020 when his services were terminated.

3. According to the respondent No.3, the petitioner was absent from duties from the month of August 2016 till the time he filed the aforesaid writ petition which is 9.8.2017. Since the order passed in the writ petition specifically observes that the question of entitlement of the petitioner to salary from the month of August 2016, it would depend upon the outcome of such enquiry. At the conclusion of the enquiry, the services of the petitioner were terminated on 5.10.2020. The order of termination passed pursuant to the outcome of enquiry is the subject matter of challenge in an appeal before the University and the College Tribunal.

4. In that view of the matter, we are not inclined to entertain the civil application especially as the writ petition is disposed of. The petitioner is free to avail such alternate remedy as is available

in accordance with law. The prayers made are kept open.

5. The civil application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

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