

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

WRIT PETITION NO. 2217/2015

Dr. PV. Anthony,
Aged about 57 years, Occupation: Principal, Rashtra
Sant Tukdoji College, Chimur, District Chandrapur,
Resident of Elizabeth Villa, Saudagar Nagar,
Pimpalneri Road, Chimur, District Chandrapur.

PETITIONER

-VERSUS-

1. The Gondwana University, Gadchiroli,
Through its Vice Chancellor.
2. The Gondwana University, Gadchiroli,
Through its Registrar.
3. Dr.S.N. Rokde, Director (Officiating),
College and University Development Board,
Gondwana University, Gadchiroli.
4. Kartik Patil, Officiating Principal,
C/o Rashtra Sant Tukdoji Mahavidyalaya, Chimur.
5. Gandhi Sewa Shikshan Samiti, Chimur,
Tahsil Chimur, District Chandrapur, Through
its Secretary Kishor S. Vaidya.
6. Rashtra Sant Tukdoji College, Chimur,
Tahsil Chimur, District Chandrapur.
Through its Principal.

RESPONDENTS

Shri S.P. Bhandarkar, counsel for the petitioner.
Shri S.A. Marathe, counsel for the respondent nos. 1 to 3.

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

DATE : OCTOBER 04, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

The challenge raised in this writ petition is to the communications dated 03.03.2015 and 24.03.2015 by which the respondent no.2- Gondwana University has granted approval to the appointment of the respondent no.4 as officiating Principal.

2. The petitioner came to be appointed on the post of Principal on 08.10.2004. This was based on the recommendation of the Selection Committee constituted by the Nagpur University. His appointment came to be approved by the Nagpur University on 21.12.2004. On 05.04.2013 the respondent no.2 also approved the appointment of the petitioner as Principal. In the seniority list published by the Management in the year 2014-15 the name of the petitioner is shown at Serial Number 1 while that of the respondent no.4 is shown at Serial Number 2. It appears that on account of disputes in the Management it was projected that the services of the petitioner had been placed under suspension. As a result the salary of the staff could not be released. This resulted in filing Writ Petition No.1579 of 2014 in this Court wherein a direction was issued to accept the pay-bills duly signed by the senior-most Lecturer in the college. It appears that by misconstruing the aforesaid direction as one to grant approval to the senior-most Lecturer besides the petitioner, on 03.03.2015 and 24.03.2015 the respondent no.2 granted approval to the appointment of the respondent no.4. Hence, this writ petition.

3. While issuing notice in the writ petition this Court granted interim relief by staying the aforesaid communications dated 03.03.2015 and 24.03.2015. The respondent no.4 has not appeared in the writ petition despite notice being served. The respondent no.4 on 19.09.2014 issued a communication to the Principal stating therein that he was not interesting

in functioning as the In-charge Principal and that it was the petitioner who was functioning as Principal. With passage of time the petitioner has now superannuated.

4. In these facts we find that there was no dispute whatsoever as regards the seniority of the petitioner as well as his appointment and subsequent approval on the post of Principal. It is only on account of incorrectly interpreting the judgment of this Court in Writ Petition No. 1579 of 2014 that the impugned communications dated 03.03.2015 and 24.03.2015 came to be issued. These communications were never acted upon in view of the interim relief granted. Since the petitioner has now retired from service, by making the interim relief absolute, the writ petition is disposed of. Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.) (A.S. CHANDURKAR, J.)

APTE