

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

**WRIT PETITION NO. 5431 OF 2021**

Shri Dhairywardhan Haribhau Pundkar,  
Age 50 years, Occupation-Service,  
R/o.2, Professor Colony, Ranpise Nagar,  
Akola, Dist. Akola.

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Petitioner

.. Versus ..

1. Sant Gadgebaba Amravati University,  
through its Registrar, Tapovan,  
Amravati.
2. Deputy Registrar (College Section),  
Sant Gadgebaba Amravati University.
3. Joint Director (Higher Education),  
Amravati, Vidarbha Dhnyan Vidnyan  
Sanstha (old VMV campus), Amravati.
4. Panchseel Teachers Education Society,  
through its President, Shri Bhimrao  
Ramrao Kukdey, Add-Swastik Scientific  
agencies, opposite head post office,  
Akola.
5. Dr. Manorama and Pro. Haribhau  
Shankarrao Pundkar, Commerce  
and Science College, Balapur,  
Dist. Akola, through In charge  
Principal, Address-Near Dhanabai  
School, Balapur, Dist. Akola.
6. Dr. Rajendra Samadhan Patil,  
Age about 59, Occ. Service,  
r/o. "Radhai", Near Brahman Sabha,  
Raigad Colony, D.P. Road, Khamgaon,  
Dist. Buldhana.

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Respondents

Shri A.R. Deshpande, Advocate for the petitioner,  
Shri Ritesh Badhe, Advocate for respondent nos.1 and 2,  
Ms. M.H. Deshmukh, AGP for respondent no.3/State,  
Shri M.G. Bhangde, Senior Advocate with Shri R.M. Bhangde, Advocate  
for respondent no.4,  
Shri Akash Tiwari, Advocate for respondent nos.5 and 6,  
Shri S.T. Harkate, Advocate for applicants/intervenors.

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**CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.**  
**DATED : 07.03.2022.**

**JUDGMENT** (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner who has been appointed in-charge Principal of respondent no.5-College which is run by respondent no.4-Society seeks approval to his appointment as such. It is his case that though the respondent no.6 is senior to him in service, the said respondent does not desire to occupy the post of Principal.

3. On 20.12.2021 while issuing notice, ad-interim order was passed permitting the petitioner to sign the salary bills of the employees from May-2021 onwards without prejudice to the rights of the parties.

4. Today Shri Ritesh Badhe, learned counsel for respondent nos.1 and 2, on instructions, submits that pursuant to the proposal dated 30.11.2021, certain queries were raised with the respondent nos.4 and 5. On 14.2.2022, the Management has furnished the requisite information to the University. It is, therefore, for the University to now take a decision on the proposal dated 30.11.2021.

5. Civil Application (CAW) No.117/2022 has been filed by the applicants seeking to intervene in the present proceedings. Without going into the correctness of the statements made in the application, we find that at this stage the only direction to be issued to the respondent no.1 is to decide the proposal dated 30.11.2021. It is therefore not necessary to expand the scope of the present proceedings.

6. Accordingly, the writ petition is disposed of by directing the respondent no.1 to decide the proposal dated 30.11.2021 that has been submitted by the Management seeking approval to the appointment of the petitioner as in-charge Principal. Such decision be taken within a period of fifteen days from the production of this order before the respondent nos.1 and 2. The decision be taken in accordance with law and the same be communicated to the petitioner. All points raised on merit as well as the contentions in the Civil Application (CAW) No.117/2022 are kept open. The writ petition is

disposed of in the aforesaid terms. The ad-interim order passed on 20.12.2021 shall however continue to operate till the decision is taken by the respondent no.1.

Rule accordingly. No costs.

7. Civil Application (CAW) No.120/2022

It is open for the petitioner to initiate appropriate proceedings if, according to him, there is any disobedience of the interim order dated 20.12.2021. The application is disposed of.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]

Gulande