

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 18929 OF 2022
IN
WRIT PETITION NO. 9236 OF 2021

Rastriya Shikshan Mandal, Pune ... Applicant
through Secretary, Dr. Rajendra S.
Huparikar

In the matter between

Mr. Sadanand Vitthal Deshpande ... Petitioner
V/s.

Mr. Sadanand Vitthal Deshpande and ... Respondents
Ors.

Ms. M.P. Thakur a/w. Mr. S.B. Shetye for applicant/petitioner.
Mr. A.I. Patel, Addtional G.P. a/w. Mr. V.M. Mali -AGP for the State.
Mr. S.B. Shetye for respondent – MVHS.

**CORAM : SUNIL B. SHUKRE &
S.M. MODAK, J.J.
(IN CHAMBER)**

DATE : 18th JULY 2023.

P.C. :

Leave to amend the prayer clause is granted. Amendment
be carried out forthwith.

2. Heard. Considering the natural issue involved in this
petition which is about treating the petitioner at par with such faculty
member as a dean or professor working in the Auyurvedic College for
the purpose of enhancement of age of the retirement, we find

substance in the submission of learned counsel for the applicant who is original respondent no.3, that this Court ought to have considered the claim of the petitioner to be appointed as In-charge Principal on its own merits which however, has not been done and therefore the order dated 22nd December 2021 granting interim relief to the extent of allowing the petitioner to continue to work as In-charge Principal has to be found to be one with manifest error and needs to be modified. Accordingly, we direct that the interim relief granted by this Court order dated 22nd December 2021 is restricted to that part by prayer clause (c) which seeks continuation in service and working on the present post. i.e. government aided post of professor in Kayachikistak Department. The order dated 22nd December 2021 stands modified accordingly. We make it clear that remaining part of the order stands as it is.

3. Interim application is disposed of.

(S.M. MODAK, J)

(SUNIL B. SHUKRE, J)