

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9436 OF 2022

Jeevan Shankar Patil

... Petitioner

versus

Nutan Maharashtra Vidya Prasarak
Mandal and Others

... Respondents

.....

Mr.Ajit J.Kenjale with Sai R. Kadam and Ms.Prachi Deokar for the
Petitioner.

Ms.Aditi Naikare with Ms.Mehenoor Khan i/b. Ms.Vrushali
Maindad for Respondent No.1.

Mr.S.H.Kankal, AGP for Respondent Nos. 2 and 3-State.

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**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 30 JANUARY 2024

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioner is working with Respondent No.1-Educational Institution, which is a technical institution affiliated to Respondent No.3- University. The Petitioner has prayed relief in terms of prayer clause (b) which reads thus :

“b) In the alternative, this Hon’ble Court be pleased to direct the Respondent No.1 to decide the Petitioner’s Representation dated 28.5.2022 forthwith and further direct the Respondent No.1 to fix the pay scale of the Petitioner as per 7th Pay Commission and to pay the same with 18% interest p.a. and further grant the Petitioner consequential benefits and also to supply the Petitioner with the service book”.

3. As regards decision on the representation is concerned, the learned Counsel for Respondent No.1-Management states that a decision would be taken. However, the learned Counsel for Respondent No.1-Management contends that the second part of the prayer of fixing the pay scale is not within the authority of Respondent No.1-Management, but Respondent No.2- Joint Director of Technical Education.

4. The learned Counsel for the Petitioner states that the Petitioner has made a representation to both Respondent Nos. 1 and 2 and as regards the second part of the prayer is concerned, Respondent No.2 may be directed to decide the representation.

5. While disposing of the writ petition, we direct Respondent Nos. 1 and 2 to decide the representation as regards the aspect within their jurisdiction. Thereafter, Respondent Nos. 1 and 2, before deciding the representation, will take into account the order passed by the Division Bench of this Court in the case of *Nitin Wasudeorao*

*Wankhade Vs. All India Council for Technical Education, New Delhi and Ors.*¹ which we are informed that it was in respect of another employee of Respondent No.1. Let the representation of the Petitioner be decided within a period of eight weeks from today, subject to earlier time bound commitments and urgent pressing public duties.

6. The writ petition is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)

¹ Civil Writ Petition No. 4099 of 2021 dated 28 July 2022