

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9459 OF 2005

MES Abasaheb Garware College,
Pune & Ors.

..Petitioners

Versus

Pune University,
through its Registrar, Pune & Ors.

..Respondents

Ms. Anjali N. Helekar for the Petitioners.

Ms. Kavita N. Solunke for Respondent Nos.2 to 4.

CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.

DATE : 12th FEBRUARY 2024

P.C.:

1. The challenge raised in this writ petition is to the communication dated 14th October 2005, that has been issued by the Deputy Director of Higher Education informing the Petitioner that it was not entitled to any grant with regard to the amounts paid to its lecturers under the head of "Earned Leave".

2. The learned counsel for the Petitioner has fairly pointed out the Judgment of the Hon'ble Supreme Court in the case of **State of Maharashtra & Ors. Vs. Nowrosjee Wadia College & Ors.**¹ In paragraph 23 of the said decision, it has been held as under:-

1 (2013) 11 SCC 762

“23. We are in complete agreement with the view expressed by the coordinate Bench in Khandesh College Education Society, Jalgaon Vs. Arjun Hari Narkhede (2011) 7 SCC 172, that the provisions contained in the 1981 Rules are not applicable to the university teachers and the teachers of the affiliated colleges because they are not Government servants but this cannot lead to an inference that the affiliated colleges are entitled to reimbursement of the amount paid to the teachers in lieu of earned leave. Though the Statutes framed by Pune University under the 1974 Act entitle the teachers of the affiliated colleges to get the benefit of leave encashment, there is no provision either in that Act or in the 1994 Act which obligates the State Government to extend the benefit of leave encashment to the university teachers or to the teachers of the affiliated colleges and the mere fact that the Statutes of the particular university provide for grant of leave encashment to the teachers, does not entitle the university or college concerned to claim reimbursement from the State Government as of right.”

3. In view of what has been held by the Hon’ble Supreme Court, it is clear that there is no entitlement to claim reimbursement from the State Government in the matter of grant of any amount towards leave encashment to its teachers.

4. In view of aforesaid, we do not find any case made out to interfere in exercise of writ jurisdiction. The writ petition stands dismissed. Rule is discharged. No costs.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)