

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

WRIT PETITION NO. 822 OF 2023

Jayprakash Kalicharan

... Petitioner

V/s.

The President, Rashtrabhasha
Mahavidyalaya and Ors.

... Respondents

Mr. Mandar Limaye for the Petitioner.

Ms. Kumud Bhatia for the Respondent Nos. 1 to 2.

Mr.V.M.Mali, AGP for Respondent Nos. 3 to 5-State.

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

DATE : 07 February 2024

P.C. :-

The Petition is filed by a non-teaching staff working in Respondent Nos. 1 and 2 – Educational Institute. His services were terminated. He filed an Appeal which Appeal was dismissed and the Writ Petition No. 5380 of 2006 came to be filed which was disposed of by filing the consent terms arrived at between the Petitioner and the Respondent – Management. To this consent terms the Education Officer was not made party. Pursuant to the consent terms the Petitioner was taken back in service. Now, the Petitioner has filed this Petition for a direction to the State Government that the State should release the salary grant to the Petitioner.

2. Firstly, in the consent terms, the State Government is not party, and thus they are binding on the State. Secondly, if the Petitioner has a claim for salary, the Respondent – Management, as a primary employer, is the duty bound to pay the salary and arrears to the Petitioner. If the Respondent – Management has submitted a proposal with the State Government, which is not finalized, least the Respondent – Management could have done is to be the co-Petitioner with the Petition.

3. In these circumstances, we are not inclined to pass any order in this Petition, leaving it open to the Respondent – Management to take such action as may be permissible in respect of the proposal sent by the Respondent – Management, which is stated to be pending before the State Government.

4. The Writ Petition is accordingly disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.