

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12253 OF 2024
IN
WRIT PETITION NO.11664 OF 2024

Zeal Education Society Applicant

V/s.

Ravindr Mohanrao Gadge & Anr. Respondents

Mr.Sugandh B. Deshmukh a/w Ms.Karishma Shinde and
Mr.Vaibhav Thorave, for the Applicant.

CORAM : R.M. JOSHI, J.

DATE : 02nd SEPTEMBER 2024

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P.C:-

INTERIM APPLICATION NO.12253 OF 2024

. This Application is filed to bring legal heirs of
deceased Respondent on record, who has died after impugned
order came to be passed. In the facts and circumstances of the
case, the Application stands allowed.

2. Amendment to be carried out forthwith.
3. Issue notice to the Respondents.

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4 Heard.

5. The learned counsel for the Petitioner submits that the University Grievance Committee without recording any findings that the Respondent is entitled for the wages and benefits of the Post of Associate Professor has passed impugned order. He drew attention of the Court to the impugned order to contend that there is absolutely no reason recorded for issuing direction to that effect.

6. It is his further contention that, the said Authority has also not taken into account the issue of bar created for claiming the benefits for more than 3 years as held by the Hon'ble Supreme Court in the case of ***Rushibhai Jagdishbhai Pathak V/s. Bhavnagar Municipal Corporation***¹.

7. *Prima facie* this Court finds substance in the contention of the Petitioner that, order is unseasoned and also it being contrary to the judgment of the Hon'ble Supreme Court. As such arguable case is made out by the Petitioner for stay to the

1 2022 SCC Online SC 641

impugned order till returnable date. Hence, issue notice to the Respondents, returnable on 1st October 2024.

8. Interim relief, granted earlier, to continue till next date.

(R.M. JOSHI, J.)