

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO. 441 OF 2025

KIRAN EKNATH JAWALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Mr. Vinod Patil, Advocate for the petitioner.
Mr. M.M. Nerlikar, A.G.P. for respondents/State.
...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATED : 13 JANUARY 2025

ORDER:-

. The petitioner, who served with respondent No.3 upto his resignation in the year 2002, filed writ petition claiming arrears of salaries receivable by him till 26.03.2002.

2. By the order dated 25.04.2007 in Writ Petition No. 2564 of 2005 this Court had refused to exercise extraordinary jurisdiction and left the petitioner to resort to the appropriate remedy as was available to him in law. His attempt to seek review of this order also failed in the form of rejection of his Review Application (St.) No.11222 of 2007 by the order dated 12 June 2015 with the following observations :

“Heard. Perused the order dated 25th April, 2007 passed by the Division Bench of this Court in WP No.2564/2005. The petitioner in the writ petition had sought enforcement of the order passed by the Grievance Committee of Respondent No.2

University. The reasons recorded, while rejecting the prayers of the petitioner, are cogent and as such, no interference is called for. Even otherwise, in view of the decision of the Hon'ble Apex court in the case of Secretary, Sh.A.P.D. Jain Pathshala and Ors. Vs. Shivaji Bhagwat More and Ors. 2011 (13) SCC 99 , the order passed by the Grievance Cell of Respondent No.2 has persuasive value and the said directions of the Grievance Cell/Committee are not enforceable. There is no merit in the review petition and the same stands rejected”.

3. On the backdrop of this state of affairs, the petitioner is now seeking writ of mandamus directing the University to initiate appropriate action against respondent No.3 – Management for failure to implement decision of the Grievance Committee.

4. Perhaps consciously, the petitioner has not and seems to have forgone his claim for arrears of salary, but seems to be interested merely in seeking some action against respondent No.3 College for non implementation of the decision of Grievance Committee which this court had already held to be having merely persuasive value and was not enforceable.

5. The petition is dismissed.

(PRAFULLA S. KHUBALKAR)
JUDGE

(MANGESH S. PATIL)
JUDGE