

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

32 WRIT PETITION NO.6925 OF 2025

Ganesh Keshavrao Patil and others

....Petitioners

VERSUS

The State of Maharashtra

Through the Principal Secretary and others

..... Respondents

.....

Mr. Ajay Shantaram Deshpande, Advocate for the Petitioners

Mr. S. K. Tambe, Addl. GP for the Respondents - State

.....

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 16.06.2025

PER COURT :

1. The Petitioners, who are or were working as Associate Professors / Professors with Respondent No.3 - Engineering College, had done the consultancy, pursuant to the policy of Government. They received their share in the charges of consultancy. Respondent No.3 - Engineering College issued an order dated 07/03/2025 that, the Petitioners had received excess amount towards consultancy charges i.e. above 20%, and asked them to deposit the excess amount in the Bank Account of Respondent No. 3 - Engineering College. Being aggrieved by the said order, the Petitioners had approached the learned Maharashtra Administrative Tribunal, Aurangabad [hereinafter referred to as 'the learned Tribunal'] and challenged the said order and prayed for the interim relief. The learned Tribunal, by the impugned order dated 06/05/2025, rejected the prayer for interim relief. Hence, the Petitioners have approached this Court in this Writ Petition.

2. It is submitted by the learned Advocate for the Petitioners that, there is the policy of the Government in the Higher and Technical Education Department, which is the Administrative Department of Respondent No.3 - Engineering College, which permitted the consultancy by the Petitioners and the similarly situated Teaching Cadre Employees. He submits that, the Petitioners had done the consultancy pursuant to the said policy and they were given the consultancy charges by Respondent No.3 - Engineering College. He submits that, without following any procedure under the law, the impugned order to deposit the excess money has been passed, which is unsustainable in the eye of law. He further submits that, without any show-cause notice and without giving any opportunity to the Petitioners, the above referred impugned order came to be passed. He submits that, the learned Tribunal had rejected the interim relief and observed that, the matter can be decided after filing of the Affidavit-in-reply by the Respondents. He submits that, till the Original Applications are decided by the learned Tribunal, the stay be granted to the said order passed by Respondent No.3 - Engineering College in respect of depositing the amount by the Petitioners.

3. The Petition is vehemently opposed by the learned AGP appearing for Respondent Nos.1 to 4. He submits that, the Petitioners were disbursed the amount of consultancy in excess of what they were entitled to, i.e. more than 20%. He submits that, now Respondent Nos.1 to 3 have filed their reply affidavit before the learned Tribunal and the Original Application can be finally heard and decided. He submits that, this matter pertains to money and, therefore, no interim relief be granted. Hence, this Petition be dismissed.

4. We have heard both the sides at length. We have also perused the papers on record. The relevant observations from the impugned order of the learned Tribunal reads as under :-

“11. Another point which is to be noted is that actually there is nothing in the impugned order about action which respondents have decided to take. The applicants were just intimidated by sending a letter to deposit the amount which was paid in excess towards honorarium. For this reason also, there is no extraordinary urgency to grant interim relief as prayed by the applicants. The matter can be well decided after filing of affidavit in reply by the respondents. Thus, I am of the opinion that the applicants are not entitled to get interim relief as prayed that the respondents be restrained from taking adverse action. Thus the interim relief is rejected.”

5. Though certain contentions were raised before us by the learned Advocate for the Petitioners, we refrain from commenting on the same since the Petition arises out of the rejection of the interim relief. Perusal of the impugned order passed by the learned Tribunal shows that, on 09/04/2025 when the Original Application was listed before the learned Tribunal, the learned Presenting Officer had submitted on the basis of instructions from the concerned that, no coercive action will be taken in next eight [8] days. There is no dispute that, after the said order dated 07/03/2025 issued by Respondent No.3 - Engineering College asking the Petitioners to deposit the excess amount in their account, there is no communication in respect of recovery. Till date neither the Petitioners have deposited the amount nor any steps are taken by the Respondents to recover the same. In the backdrop of these facts and considering that, Respondent Nos.1 to 3 have submitted their reply affidavit before the learned Tribunal, we proceed to pass the following order :-

ORDER

[I] Till the Original Applications Nos. 350/2025, 351/2025, 352/2025, 361/2025 and 362/2025 are decided finally, the

Respondents shall not take any coercive steps against the Petitioners, pursuant to the said order dated 07/03/2025 issued by Respondent No.3.

- [II] The learned Tribunal is requested to finally hear and decide the said Original Applications, within a period of three [3] months from the receipt of this order.
- [III] Respondent No.4, who is also Respondent No.4 before the Tribunal, may file their reply affidavit within a period of four [4] weeks from today.
- [IV] Both the sides shall co-operate the learned Tribunal in deciding the said Applications, within the aforesaid stipulated time.
- [V] Writ Petition stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer/June-2025