



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9753 OF 2024
IN
WRIT PETITION NO.1433 OF 2024
WITH
WRIT PETITION NO.1434 OF 2024**

Adiwasi Deomogra Education Society's
Natawad K. D. Gavit Arts College, Dhanora
Tq. and District Nandurbar,
Through its Chairman,
Shri Rajendrakumar S/o Krushnarao Gavit,
Age: 62 years, Occu.: Business,
R/o: Dhanora, Tq. and District Nandurbar ..Applicant
(Orig. Petitioner)

Versus

1. Shri. Ramesh S/o Jairam Patil,
Age: years, Occu.: Agriculture,
R/o. Dhanora, Tq. and District Nandurbar.
2. Shri Rameshwar S/o Bhimsing Banjara,
Age: years, Occu.: Agriculture,
R/o: Khothali (kh.), Tq. and District Nandurbar.
3. Kavayitri Bahinabai Chaudhari North Maharashtra
University, UMAVI Nagar, Jalgaon District Jalgaon,
Through its Registrar. ..Respondents
(Orig. Respondents)

...

Mr. P. R. Katneshwarkar i/by Mr. A. D. Khot, Advocate for the
Applicant.

Mr. S. R. Barlinge, Advocate for Respondent Nos.1 and 2.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 15th APRIL, 2025.**

ORDER:-

1. The present application is filed with following prayer:

*“B. This Hon’ble High Court my kindly add the following
liner in the order dated 18.07.2024 after full point of para 6
viz.: “on condition of deposit of the amount, the impugned
judgment and order dated 07.11.2023 passed by the Ld.
Presiding Officer, University and College Tribunal,
Aurangabad, is stayed””*

2. The applicant filed Writ Petition Nos.1433/2024 and 1434/2024 assailing final judgment and order dated 07.11.2023 passed by Presiding Officer, University and College Tribunal, Aurangabad in an Appeal preferred against Order passed by Grievance Redressal Committee of North Maharashtra University Jalgaon in Complaint No.01/2019.

3. The Writ Petitions were placed before this Court for admission on 27.06.2024. This Court recorded *prima facie* observation that respondents-employees are entitled for arrears of salary and dispute in writ petitions is only as regards to the quantum. Mr. Barlinge, learned Advocate had placed on record rough calculation of amount receivable by respondents as per impugned order. Thereafter, on 18.07.2024, learned Advocate appearing for respective parties advanced their submissions on the point of admission of Appeal and prayer for interim relief. Mr. Katneshwarkar, learned Senior Advocate relying upon observations of Supreme Court of India in case of ***Union of India Vs. Tarakh Singh***¹ submitted that recovery of arrears cannot be permitted for more than three years. In that view of the matter directions were given to petitioner to deposit partial amount of Rs.15,00,000/- towards arrears of salary of respondents-teachers by way of ad-hoc arrangement and respondents-teachers were permitted to withdraw the same on furnishing undertaking of

¹ (2018) 8 SCC 648.

refund in case adverse order is passed. In this background, present application is filed contending that this Court put a condition of deposit of amount and granted stay, however, words “stay to the impugned judgment and order” were not reflected in the order dated 18.07.2024.

4. Mr. Barlinge, learned Advocate appearing for respondents-teachers filed affidavit-in-reply contending that this Court merely indicated petitioner to deposit amount of Rs.15,00,000/- to show bonafides. Such deposit was not intended to be a condition for grant of stay.

5. The record shows that direction of deposit was not intended for grant of stay. Looking to the dispute as to assessment of arrears of salary and probable minimum amount of entitlement of respondents-teachers, directions were issued to make deposit of such amount with permission to respondents-teachers to withdraw the same. This Court had indicated that Writ Petitions itself can be taken up for final hearing and arrangement under order was merely on ad-hoc basis without entering into further merit of the matters. The Writ Petitions are still pending for admission. However, assignment of Writ Petitions is now vested with other Hon'ble Judge of this Court. In that view of the matter, contentions made in Civil Application cannot be countenanced. Hence, application to the extent of prayer Clause (B) is rejected.

The prayer Clauses (C) and (D) do not survive. The applicant shall be at liberty to move before regular Court for grant of any interim relief, if so advised.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2025