



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

**WRIT PETITION NO. 13369 OF 2024**

1. Vidya Pratishthan (Maharashtra)  
Dr. Hedgewar Shaikshnik Sankulan,  
105, Kedgaondevi Road,  
Ahmednagar.  
(through its Joint Secretary)  
Murlidhar Dattatraya Pawar,  
Age 46 years, Occ : Legal Practitioner  
r/o Gulmohar Residency,  
Gulmohar Road, Savedi Ahmednagar.
2. Vidya Pratishthan's college of Education  
105, Kedgaondevi Road,  
Ahmednagar.  
Through its Principal

**.....PETITIONERS**

***VERSUS***

1. Dr. Ashlesha Avinash Bhandarkar  
Age: 52 years, Occ: Service  
R/o : at 06, "Sudhanshu"  
Parijat Residency, Gite Hospital,  
Pathkamla, Ahmednagar.
2. The Registrar,  
Savitrabai Phule University,  
Ganesh Khind Road,  
Pune-411007.

**.....RESPONDENTS**

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Mr. A. N. Kakade, Advocate for the Petitioners  
Mr. S. S. Thombre, Advocate for Respondent no.1

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**CORAM : ROHIT W. JOSHI, J.**

**DATED : 05<sup>TH</sup> AUGUST, 2025**

**ORAL JUDGMENT :-**

. The petitioners/management take exception to judgment and order dated 09.05.2024, passed by the Presiding Officer, Savitribai Phule, Solapur University and College Tribunal, Pune in Appeal No.09 of 2022.

2. The respondent no.1 had filed appeal before the learned College Tribunal, challenging the order of termination dated 17.10.2018, issued by the petitioner/management. The petitioner no.1 runs petitioner no.2/M.Ed college. It is stated that the services of the respondent no.1 were terminated since the college is an unaided college and the admissions were reduced drastically, as a consequence of which, it was not feasible to run the college. It is stated that application for closure of M.Ed course was also made to the University in accordance with Section 121 of the Maharashtra Public Universities Act, 2016. However, the said application was not pursued further and permission for closure is not granted. The reasons cited is that the management also runs a Research Center, for which, it is necessary to run a college imparting

education in M.Ed.

3. The learned Tribunal has quashed and set aside the order of termination on the ground that the college continues to run and there is no good reason for terminating the services of the respondent no.1. The learned Tribunal has also granted relief of continuity in service alongwith back wages.

4. The learned Counsel for petitioners states that the challenge in the present petition is restricted to Clause 'D' of the operative order, whereby, the petitioners are directed to pay back wages to the respondent no.1 as per pay scale with allowances as per Government Notifications from the date of termination till actual reinstatement in service. Learned Counsel for petitioners contends that Rs.16,000/- was the last drawn salary of the respondent no.1 and the jurisdiction of the Tribunal is restricted to granting back wages only and not to determine monthly salary of the appellant before it and/or to issue directions to pay salary in the scale. The learned Counsel further contends that the learned Tribunal has transgressed its jurisdiction in issuing directions for making payment of salary in the scale with allowances. The learned Counsel further contends that the respondent no.1 had

initiated proceedings before the Grievance Committee of the University for fixation of salary in the prescribed scale. He contends that the said grievance is allowed by the Grievance Committee and petition for implementation of the order of Grievance Committee is pending before Division Bench of this Court being Writ Petition No.9762 of 2024.

5. A perusal of the judgment will demonstrate that the respondent no.1/employee had filed affidavit on record in the appeal stating that she was not gainfully employed from the date of termination of services. The learned Tribunal has also observed that the petitioners did not file a counter affidavit challenging the said statement and were also not in a position to bring any material on record to discredit the statement. In view of the above, the learned Tribunal has awarded full back wages by placing reliance on judgment of the Hon'ble Supreme Court in the matter of *Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and Ors.*, reported in *AIR 2014 SC (Supp) 121*. Having perused the judgment delivered by the learned Tribunal, no fault can be found with the order passed by the learned Tribunal awarding back wages.

6. As regards the contention of the petitioners that the computation of salary is beyond the scope of jurisdiction of the learned Tribunal, the said contention is also liable to be rejected. There was no issue before the learned Tribunal as regards what should be the salary of the respondent no.1/employee and the learned Tribunal has also not adjudicated the said issue. The learned Tribunal has merely stated that salary should be paid in the scale which is legal obligation of the employer/management. In that view of the matter, no fault can be found with respect to the said direction as well.

7. The third contention is regarding grievance filed before the Grievance Committee, regarding benefits of pay commissions. It is undisputed that the Grievance Committee has allowed the grievance filed by the respondent no.1. This will show that the respondent no.1 did not seek fixation of pay from the Tribunal and the Tribunal has also not fixed the same. The pay of the respondent no.1 is determined by the Grievance Committee. The learned Tribunal has merely directed that back wages should be paid under the scheme. The filing of proceeding before Grievance Committee has no

bearing on the decision taken by the learned Tribunal. The said contention is also therefore rejected.

8. In that view of the above, no case for interference is made out. Writ Petition is dismissed as such.

9. Civil Application, if any, stands disposed of.

( ROHIT W. JOSHI, J. )