



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 5412 OF 2022

Pratibha Shikshan Prasarak Mandal, Januna,
through its President, Madhukar R. Pawar,
and another.

..Petitioners

Versus.

State of Maharashtra through its Secretary,
Department of Higher and Technical Education,
Mantralaya, Mumbai and four others.

..Respondents

Mr. B.G.Kulkarni, Advocate for petitioners.
Mrs. M. H. Deshmukh, Assistant Government Pleader for respondent nos. 1 to 3.
Mr. Badhe, Advocate for respondent no.4.
Mrs. S.W.Deshpande, Advocate for respondent no.5.

CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE :- 8th SEPTEMBER, 2025

P. C.

Heard learned counsel appearing for the parties.

2. The petitioners, Management and College, have approached this Court by way of present petition seeking a declaration that the respondent nos. 1 to 3 are responsible and liable for payment of outstanding salary payable to the respondent no.5 for the post of 'Lecturer in Music' in the respondent no.2-College, for the period from 18.12.2012 to 25.12.2015.

3. The petitioner no.1 is an Education Society; whereas, the petitioner no.2 is a college receiving grant-in-aid from the State and affiliated to the respondent no.4-University.

4. The respondent no.5 was appointed on 11.01.2011 on the post of 'Lecturer in Music' on probation for one year in the petitioner no.2 College. Thereafter, on 10.12.2012 the respondent no.3-Joint Director of Higher Education, Amravati Division, Amravati, declared three posts of 'Lecturer in

Music' excess/surplus considering the strength of the students and the sanctioned posts. At the relevant time, the Joint Director of Higher Education has found that there were 90 students against which 8 lecturers were appointed and as such he has made an endorsement that three posts of 'Lecturers in Music' are unacceptable. Accordingly, the respondent no.5 was removed from the services.

5. Thereafter the respondent no.5 approached the University and College Tribunal (for short, 'the Tribunal'), Nagpur, by filing an appeal bearing Appeal No.A-1/2013. The Tribunal vide judgment and order dated 09.12.2015 allowed the appeal and set aside the order of termination dated 18.12.2012. The Tribunal directed the respondent no.1 and 2 (petitioners herein) to pay full back wages to the appellant (respondent no.5 herein) within a period of six months.

The respondent no.5 was accordingly reinstated in service from 26.12.2015, however back wages for the period from 18.12.2012 to 25.12.2015 have not been paid to her.

6. It is the case of the petitioners that from 2013-14 till filing of this petition, every year the strength of the students was in between 146 to 230 and therefore sufficient strength was available to accommodate/appoint the Lecturers in Music. It is therefore argued that a direction may be issued to the respondent nos. 1 to 3-State to make the payment of outstanding salary of the respondent no.5.

7. Shri B. G. Kulkarni, learned counsel appearing for the petitioners, has drawn attention of this Court to the letter dated 24.03.2022 issued by the respondent no.3-Joint Director of Higher Education, Amravati Division, Amravati to the respondent no.2-Director of Higher Education, Pune, seeking guidance as regards whether the payment of outstanding salary shall be made to the respondent no.5. It is informed that the respondent no.2-Director has not taken any decision on such communication issued by the respondent no.3-Joint Director and is pending with the respondent no.2.

8. Considering the backdrop of the present petition and the facts and circumstances recorded hereinabove, we are of the opinion that the purpose would be served if the respondent no.2-Director is directed to take a decision on the letter dated 24.03.2022 submitted by the respondent no.3-Joint Director, Higher Education, Amravati Division, Amravati, within a stipulated period after hearing the petitioners.

9. Accordingly, we dispose of the writ petition with a direction to the respondent no.2-Director of Higher Education, State of Maharashtra, Pune to take a decision on the letter dated 24.03.2022 submitted by the respondent no.3-Joint Director of Higher Education, Amravati Division, Amravati, seeking clarification as regards the payment of arrears of salary of the respondent no.5, within a period of eight weeks from the date of appearance of the petitioners before him. The petitioners shall appear before the respondent no.2-Director of Higher Education, Pune, on **23.09.2025 at 11.00 a.m.**

Learned Assistant Government Pleader undertakes to communicate this order to the respondent no.2- Director of Higher Education, Pune.

10. With the aforesaid directions and observations, the writ petition stands disposed of. No order as to costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

Andurkar.