IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6482 OF 2015

Balaji Uttam Mogale And Another ...Petitioners

Versus

Yashoda Shikshan Prasarak Mandal Through Its Secretary And Others ...Respondents

---

Mr. C.G.Gavnekar (through VC) a/w Adv. S.C.Mangle, Adv. A.S.Jambilkar, Ms. Prajakta Kamble, for the Petitioner.
Mr. A.M.Kulkarni a/w Mr. Akshay Kulkarni, Mr. Avesh Ghadge, for the Respondent No. 1.
Mr. I.M.Khairdi, for the Respondent No. 2.

Coram : SHARMILA U. DESHMUKH & ABHAY J. MANTRI, JJ.

Date : OCTOBER 27, 2026

P. C. :

1. By the present Petition, the Petitioners seek a writ of mandamus directing the Respondent Nos. 2 to 4 to secure the Petitioner's payment of salary.

2. The present Petition has been filed by the lecturers, who were appointed as Assistant Professors in Respondent No. 1's senior college. It is pleaded that on account of mismanagement and maladministration on part of Respondent No. 1, the affiliation was cancelled and the Petitioners' services were terminated. The Petitioners filed Writ Petition Nos. 9685 of 2012 and 9690 of 2012 seeking absorption in any other

aided senior colleges, which was disposed of on the ground that Respondent No. 1 being an unaided institution, the aspect of absorption cannot be considered. Subsequently, the present Petition has been filed seeking writ of mandamus directing the Respondent Nos. 2 to 4 to secure the Petitioner's salary from the respective date of appointment till date, for necessary directions to Respondent No. 1 to make the payment of Petitioner No. 2's regular salary due and payable from the academic year 2002-2003 till his regular selection, and for a declaration that the Respondents herein are joint and severally liable to make the payment of Petitioner's salary.

3. The Respondent No. 1 is a private trust and no mandamus can be issued directing the Respondent No. 1 to make any payments. It is the Petitioner's own contention that the Respondent Nos. 2 to 4 have cancelled affiliation of the Respondent No. 1, and in view thereof, no directions can be issued by the Respondent Nos. 2 to 4 to the Respondent No. 1. The Petition does not disclose any liability on the Respondent Nos. 2 to 4 to make the payment of Petitioner's salary, as the senior college in which the Petitioner was employed was an unaided college, and it is for this specific reason that the Petitioner seeking absorption was disposed of.

4. Apart from the above, prayer clause (b) of the Petition seeks payment of salary from the date of appointment of the Petitioner No. 1.

Petitioner No. 1 was appointed in the year 2009 and the Petition has been filed in the year 2015. There is no explanation as to why no steps were taken for seeking payment of salary during the subsistence of the services.

5. Though, it is sought to be contended that the stand taken by the President of Respondent No. 1 is that the Petitioners have voluntarily accepted the arrangement and continued in service while accepting payment of Rs. 2,000/- per month, in view of the cancellation of affiliation, there can be no adjudication by Respondent Nos. 2 to 4 as regards the pay scale to which the Petitioner would be entitled or issuance of any directions to the Respondent No. 1.

6. The reliefs claimed in the Petition are unsustainable in view of the above discussion. The Petition is therefore disposed of with liberty to the Petitioners to adopt appropriate remedy against Respondent No. 1, if permissible in law. All rights and contentions in that regard are expressly kept open.

7. The Petition has been pending since the year 2015 before this Court, and in the event, any proceedings are adopted, it is open for the Petitioners to raise the contention of Section 14 of the Limitation Act, 1963.

[ABHAY J. MANTRI, J.] **[SHARMILA U. DESHMUKH, J.]**