

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8854 OF 2021  
WITH  
INTERIM APPLICATION (ST) NO. 9673 OF 2022

Dr. Urmila Kulkarni – Kale ..Petitioner  
V/s.

The State of Maharashtra through  
Secretary Higher and Technical  
Education Department and Ors. ..Respondents

-----  
Mr. Mihir Desai, Senior Advocate a/w Mr. S. P. Samath for the  
Petitioner-Applicant .

Mr. V. M. Mali, AGP for Respondent Nos.1 to 3.

Mr. Rajendra Anbhule for Respondent No.4.  
-----

CORAM : A. S. CHANDURKAR AND  
G. A. SANAP, JJ.

DATE : 26 APRIL 2022

P. C.

INTERIM APPLICATION (ST) NO. 9673 OF 2022

The petitioner seeks to amend the writ petition in view of  
occurrence of subsequent events after filing of the writ petition.

2. The said prayer is opposed by learned AGP.

3. Considering the nature of amendment as proposed, the  
same is allowed. Amendment be carried out within a period of one  
week. Amended copies be served on the respondents. Respondents

are at liberty to file additional affidavit to oppose the amended pleadings.

4. The Application is disposed of.

**WRIT PETITION NO. 8854 OF 2021**

5. Learned Senior Advocate for the petitioner submits that by treating the petitioner to be a member of the non teaching staff, she has been issued notice of retirement. It is prayed that the effect and operation of the notice of retirement be stayed to enable the petitioner to discharge the duties till she attains the age of 60 years.

6. The question whether the petitioner is a member of the teaching staff or a member of the non teaching staff as raised in the writ petition would have to be decided finally. By interim order the petitioner cannot be permitted to continue in service by treating her to be a member of the teaching staff. In case the petitioner succeeds in the writ petition she would be entitled to all the benefits flowing from such adjudication by the Court.

7. List the Writ Petition for further consideration on 14/6/2022.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)