

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL NO.10759 OF 2013

ant(s) State of Maharashtra & Ors. .. Appell
 Versus
 dent(s) Asha Ramdas Bidkar & Ors. .. Respon

WITH
 C.A. No. 10760/2013
 SLP(C) No. 13598-13599/2014
 SLP(C) No. 13610-13611/2014
 SLP(C) No. 13616-13617/2014
 SLP(C) No. 13618-13626/2014
 S.L.P.(C)...CC No. 3391/2015

O R D E R

1 On the taking up of Civil Appeal No.10760 of 2013 we have come to learn that several Respondents as well as other Lectures/Assistant Professors similarly placed who are vitally affected by the core issue which has now been canvassed before us have neither been impleaded nor have been heard by the High Court of Judicature at Bombay.

We

are further informed that as on date there are over hundred Writ Petitions pending in the Principal Bench and the Benches at Nagpur and Aurangabad of the High Court of Judicature at Bombay. It has been pointed out by the

Signature Not Verified

Digitally signed by
 Usha Rani Bhardwaj
 Date: 2015.03.31

Learned Senior Counsel that Maharashtra Federat
 University & College Teachers Organisation,

ion of
 17:15:38 IST
 Reason:

(MFUCTO),

Respondent in Civil Appeal No.10759/2013, had filed a Writ
 2

Petition which is pending before the Principal Bench.
 This Association is also seeking to be heard in the

proceedings before us.

2 In these circumstances the course which commends itself to us is to stay the operation of the Impugned Order without, in any manner, causing any disadvantage to any of the parties who are the beneficiaries to the Impugned Judgment. We are staying the operation of the Impugned Judgment since several other Writ Petitions are also pending and Co-ordinate Benches would otherwise be bound to follow the previous decision or refer the conundrum or recommend to the Hon'ble Chief Justice to constitute a Larger Bench, if the already articulated terms of the Co-ordinate Benches are found to be unacceptable. It is not controverted that Public Notice had not been given in respect of this litigation. Therefore, there is the need to stay the operation of the Impugned Order, so as to enable denovo consideration of the pending Writ Petition.

3 Accordingly, we request Hon'ble the Chief Justice of the High Court of Judicature at Bombay to constitute or nominate a Bench at the Principal Bench, to which all pending Writ Petitions should be transferred, and which Bench should forthwith take up the matters, in expedition, and decide all the Writ Petitions preferably within a

3

period of six months from today. We also direct the State of Maharashtra to give wide publicity to the pendency of these Writ Petitions at the Principal Bench so that any person desirous of being heard may be able to do so, if that is found by it to be necessary and/or expedient.

4 In view of the above, learned counsel for the Appellant in Civil Appeal No.10760 of 2013 seeks leave to withdraw the Appeal with liberty granted to the Appellant

to approach the High Court of Judicature at Bombay.

This

Appeal is dismissed as withdrawn with liberty granted as prayed for.

5 We reiterate that the reason for which we have stayed the Impugned Order is to enable the Division Bench to look into the matters and decide them afresh. This does not preclude them from chartering the same course as in the Impugned Judgment, but that should be by way of a judgment containing reasons for the conclusion.

6 Mr. B.H. Marlapalle learned Senior Counsel for the State of Maharashtra assures the Court that no adverse action shall be taken against the Respondents in the Appeals before us. The above arrangement shall, needless to clarify, be subject to the final orders that will be passed in Civil Appeal No.10759 of 2013.

4

7 Liberty is also granted to affected persons to seek in the High Court of Judicature at Bombay ad interim orders which may place them on parity with other Lecturers/Assistant Professors similarly placed.

.....J.
[VIKRAMAJIT SEN]

.....J.
[ABHAY MANOHAR SAPRE]

NEW DELHI,
MARCH 25, 2015.

5

ITEM NO.101
(PH)

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.10759/2013

STATE OF MAHARASHTRA & ORS.

Appellant(s)

VERSUS

ASHA RAMDAS BIDKAR & ORS.

Respondent(s)

(With appln.for permission to file addl.documents and clarification of Court's order and intervention and exemption from filing OT and impleadment and intervention and exemption from filing OT and directions and impleadment and stay and stay and permission to file addl.documents)

WITH
C.A. No. 10760/2013
(With appln.(s) for permission to file additional documents and Office Report)

SLP(C) No. 13598-13599/2014
(With appln.(s) for de-tagging and Office Report)

SLP(C) No. 13610-13611/2014
(With Office Report)

SLP(C) No. 13616-13617/2014
(With Office Report)

SLP(C) No. 13618-13626/2014
(With Office Report)

S.L.P.(C)...CC No. 3391/2015
(With appln.(s) for permission to file SLP and Office Report)

Date : 25/03/2015 These appeals/petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. B.H. Marlapalle, Sr.Adv.
CA.No.10759/13 Ms. Asha G. Nair.
 Mr. Aniruddha P. Mayee,Adv.

CA.No.10760/13 Mr. Vinay Navare, Adv.

6

Mr. Satyajeet Kumar, Adv.
Mr. Keshav Ranjan, Adv.
Mr.Gwen K.B., Adv.
Ms. Abha R. Sharma,Adv.
Mr. Suhas Kadam, Adv.for
M/s Lemax Lawyers & Co.,Adv.

For Respondent(s) Mr. V. Giri, Sr.Adv.
 Mr. Amol Nirmalkumar Suryawanshi,Adv.

Mr. Arjun Harkauli,Adv.

Mr. Manish Pitale, Adv.
Mr. Chander Shekhar Ashri,Adv.

Mr. Nishant Ramakantrao Katneshwarkar,Adv.

Mr. Guru Krishna Kumar, Sr.Adv.
Mr.Hiren Dasan, Adv.
Mr. C.R. Sadasivam, Adv.
Mr. Harish Dasan, Adv.
Mr. Avinash Singh, Adv.
Mrs Sarla Chandra,Adv.

Mr. Uday B. Dube,Adv.

Mr. Satyajit A. Desai, Adv.
Mr. Akash Kakade, Adv.
Ms. Anagha S. Desai, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Mr. R.P. Bhat, Sr. Adv.
Dr. R. R. Deshpande, Adv.
Mr. Yuvraj Gaikwad, Adv.

Ms. Smitakshi Talukdar, Adv.
Mr. Shivaji M. Jadhav, Adv.

Mr. Manoj R. Sinha, Adv.
Mr. T. Mahipal, Adv.

Mr. A. Radhakrishnan, Adv.

Mr. Shashibhushan P. Adgaonkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1 On the taking up of Civil Appeal No.10760 of 2013 we
7

have come to learn that several Respondents as well as other Lecturers/Assistant Professors similarly placed who are vitally affected by the core issue which has now been canvassed before us have neither been impleaded nor have been heard by the High Court of Judicature at Bombay. We are further informed that as on date there are over hundred Writ Petitions pending in the Principal Bench and the Benches at Nagpur and Aurangabad of the High Court of Judicature at Bombay. It has been pointed out by the Learned Senior Counsel that Maharashtra Federation of University & College Teachers Organisation, (MFUCTO), Respondent in Civil Appeal No.10759/2013, had filed a Writ Petition which is pending before the Principal Bench. This Association is also seeking to be heard in the proceedings before us.

2 In these circumstances the course which commends itself to us is to stay the operation of the Impugned Order without, in any manner, causing any disadvantage to any of the parties who are the beneficiaries to the Impugned Judgment. We are staying the operation of the

Impugned Judgment since several other Writ Petitions are also pending and Co-ordinate Benches would otherwise be bound to follow the previous decision or refer the conundrum or recommend to the Hon'ble Chief Justice to constitute a Larger Bench, if the already articulated terms of the Co-ordinate Benches are found to be

8

unacceptable. It is not controverted that Public Notice had not been given in respect of this litigation. Therefore, there is the need to stay the operation of the Impugned Order, so as to enable denovo consideration of the pending Writ Petition.

3 Accordingly, we request Hon'ble the Chief Justice of the High Court of Judicature at Bombay to constitute or nominate a Bench at the Principal Bench, to which all pending Writ Petitions should be transferred, and which Bench should forthwith take up the matters, in expedition, and decide all the Writ Petitions preferably within a period of six months from today. We also direct the State of Maharashtra to give wide publicity to the pendency of these Writ Petitions at the Principal Bench so that any person desirous of being heard may be able to do so, if that is found by it to be necessary and/or expedient.

4 In view of the above, learned counsel for the Appellant in Civil Appeal No.10760 of 2013 seeks leave to withdraw the Appeal with liberty granted to the Appellant to approach the High Court of Judicature at Bombay. This Appeal is dismissed as withdrawn with liberty granted as prayed for.

5 We reiterate that the reason for which we have stayed the Impugned Order is to enable the Division Bench to look

9

into the matters and decide them afresh. This does not

preclude them from chartering the same course as in the Impugned Judgment, but that should be by way of a judgment containing reasons for the conclusion.

6 Mr. B.H. Marlapalle learned Senior Counsel for the State of Maharashtra assures the Court that no adverse action shall be taken against the Respondents in the Appeals before us. The above arrangement shall, needless to clarify, be subject to the final orders that will be passed in Civil Appeal No.10759 of 2013.

7 Liberty is also granted to affected persons to seek in the High Court of Judicature at Bombay ad interim orders which may place them on parity with other Lecturers/Assistant Professors similarly placed.

(USHA BHARDWAJ)
AR-CUM-PS

(SAROJ SAINI)
COURT MASTER

Signed order is placed on the file.