

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5609 OF 2014**

PRAKASH SAMBHAJI WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. H. A. Joshi h/f Mr. Deshmukh
Yashodeep P.

AGP for Respondent/State : Mr. S.K. Kadam
Advocate for Respondent No.3 : Mr. V.S. Malte
Advocate for Respondent nos. 4 to 7 : Mr. Khandare N.B.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: September 03, 2015

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PER COURT :-

This Petition is filed with the following prayer :-

“B) By issue of writ of mandamus or any other writ, order or directions of like nature, the action of not allowing the petitioners to sign muster and nonpayment of salary to the extent of petitioner Nos. 1 to 3 from the month of April, May and June, 2013 to the petitioners and the action of withdrawing charge to work as head of the departments of all the petitioners by the respondent Nos. 6 and 5 be declared as illegal.”

2. Section 57 of the Maharashtra University Act,

1994 reads thus :-

“57. (1) There shall be a grievances committee in each university to deal with the grievance sof teachers and other employees of the university, colleges, institutions and recognised institutions and to hear and settle grievances as far as may be practicable within six months, and the committee shall make a report to the Management Council.

(2) It shall be lawful for the grievances committee to entertain and consider grievances or complaints which are not within the jurisdiction of the Tribunal and report to the Management Council to take such action as it deems fit and the decisions of the Management Council on such reports shall be final.

(3) The Grievances Committee shall consist of the following members, namely :-

(a) The Pro-Vice-Chancellor, where there is no Pro-Vice-Chancellor, a member of the Management Council nominated by the management Council -----
Chairman

(b) Two members of the Management Council nominated by the Management Council from amongst themselves one of them belonging to the Scheduled Castes or Scheduled Tribes or De-notified Tribes

(*Vimukta Jatis*)/Nomadic Tribes or Other Backward Classes, by rotation ----- Members;

(ba) two members of the Senate nominated by the members of the Senate, from amongst themselves, one of them being the woman representative of the management and one shall be a teacher; ... Members;

(bb) two members nominated by the members of Academic Council, from amongst themselves, one of them being the principal and one shall be a teacher. ----- Members;

(c) The Registrar Member-Secretary

3. The adjudication of the prayers made by the petitioners directly under writ jurisdiction will lead adjudication of disputed questions of facts. In that view of the matter, we grant liberty to the petitioners to approach the Grievance Committee of Respondent No.3 - University for redressal of their grievances, which are reflected in this Petition and, in particular, prayer clause 'B' thereof.

4. If petitioners approached the Grievance committee, the Grievance Committee, after hearing the petitioners and also all the concerned Respondents, shall decide the grievances of the petitioners, as expeditiously as possible, however, preferably within four months from today.

5. All the contentions raised in this Petition are left open to be agitated before the Grievance Committee.

6. The Petition stands disposed of in the above terms.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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