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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6440 OF 2007
WITH
CIVIL APPLICATION NO.4082/2011
IN WP/6440/2007

SANGITA DEVIDAS LOHALEKAR,
Age : 40 years, Occ : Service,
R/o Flat No.12, Meera Apartment,
Rajendranagar, Gondur Airport Road,
Post Vidyanagar, Deopur, Dhule.
Taluka and Dist.Dhule.

...PETITIONER

-VERSUS-

- 1 VIDYA WARDHINI SABHA, DHULE.
Through it's Chairman,
Sakri Road, Dhule, Dist.Dhule.
- 2 Vidya Wardhini Sabha's Arts,
Commerce and Science College,
Sakri Road, Dhule, Dist.Dhule.
- 3 The Joint Director of Higher
Education, Jalgaon Region, Jalgaon.
- 4 The North Maharashtra University,
Jalgaon.
Through it's Registrar.

...RESPONDENTS

...
Advocate for Petitioner : Shri S R Barlinge.
AGP for Respondent No.3: Smt.S.D.Shelke.
Advocate for Respondent Nos.1 and 2 : Shri R J Godbole.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th August, 2015

Oral Judgment:

1 This matter has been already admitted and Rule has been made returnable early by the order of this Court dated 20.11.2007, which reads as under:-

- “1. Rule returnable early.
2. Shri Godbole, learned counsel waives notice for respondent Nos.1 and 2. Shri Dighe, AGP waives notice for respondent No.3. By way of interim order it is made clear that the appointment on the post to which the petitioner claims her right, shall be subject to the result of the present petition.”

2 In the light of the interim order passed by this Court, it was made clear to the Respondent/ Management that the appointment on the post to which the Petitioner claims her right, shall be subject to the result of the present petition.

3 Shri Godbole, learned Advocate appearing for the Respondent/ Management, submits that another person, namely, Mr.Sarjerao Gorde, has been appointed on 30.11.2006. He opposes this petition and prays for its dismissal.

4 The whole controversy is with regard to the manner in which

the Petitioner was appointed. It is the contention of the Petitioner that she was selected by a validly appointed Selection Committee and being NET/CET qualified, her appointment neither could have been on clock-hour basis, nor could it have been on a contractual basis.

5 However, the University & College Tribunal (for short, hereinafter referred to as “Tribunal”) in Appeal No.NMU-7/2007 preferred by the Petitioner challenging her termination dated 13.06.2007 w.e.f. 20.07.2007 had concluded that as the Petitioner/ Appellant was appointed on a clock-hour basis, her Appeal deserves to be dismissed. By the judgment dated 17.10.2007, the said Appeal was dismissed.

6 Subsequent events that have occurred at the level of the University, would have an impact on the case of the Petitioner. The Petitioner moved an application dated 04.05.2007 before the Grievance Redressal Committee constituted under the Maharashtra Universities Act, 1994. It is apparent that the said application has been filed before the Tribunal delivered its judgment dated 17.10.2007. It is also apparent that the candidate appointed by the Respondent/ Management as per the statement of Shri Godbole on 30.11.2006, is appointed prior to the termination of the Petitioner and therefore, has no nexus with the Petitioner's appointment and termination.

7 By the decision of the Grievance Redressal Committee dated 04.03.2008, directions have been issued to carry out the correction in the appointment of the Petitioner and she should be shown to have been appointed on “regular basis” and not on “clock-hour basis” in the light of the fact that she is NET/CET qualified. It is stated that the Management Council of the University has accepted the decision of the Grievance Redressal Committee.

8 I find that had the Tribunal waited till the Grievance Redressal Committee arrived at its conclusion, the decision of the Grievance Redressal Committee, which is subsequently accepted by the University, would have assisted the Tribunal in deciding Appeal No.NMU-7/2007. It is under these fortuitous circumstances that the Tribunal has delivered the impugned judgment and subsequently, the University has arrived at a decision on the basis of its Rules and Regulations applicable that the Petitioner should have been appointed on regular basis. This, therefore, impacts the judgment of the Tribunal.

9 In the light of the above, I am inclined to quash and set aside the impugned judgment of the Tribunal only for the purpose of remitting the Appeal back to the Tribunal in the light of the decision of the

Grievance Redressal Committee, which is subsequently accepted by the Management Council of the University.

10 Shri Godbole submits that the review petition has been filed before the Grievance Redressal Committee on 14.01.2009.

11 Shri Barlinge submits that no such review is maintainable under the Maharashtra Universities Act, 1994.

12 In the light of the above, this Writ Petition is partly allowed. The impugned judgment of the Tribunal dated 17.10.2007 is quashed and set aside. Appeal No.NMU-7/2007 is remitted back to the Tribunal.

13 Both the learned Advocates graciously submit that the litigating sides would appear before the Tribunal on 15.09.2015. As such, formal notices need not be issued by the Tribunal in this matter.

14 It is made clear that the contentions of the litigating sides are kept open. The Tribunal shall decide the appeal by considering the decision of the Grievance Redressal Committee dated 04.03.2008, the decision of the Management Council of the University and any other decision, if has been passed by the Grievance Redressal Committee or the

University.

15 Since the Petitioner/ Appellant will have to carry out the
amendment to the Appeal with regard to the subsequent events, the
Petitioner is at liberty to make such an application before the Tribunal,
which shall be decided in the light of the directions issued by this Court.

16 Rule is made partly absolute in the above terms.

17 The pending Civil Application does not survive and is
disposed of.

(RAVINDRA V. GHUGE, J.)