

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8933 OF 2014

Khedut Shikshan Mandal & Ors.	..	Petitioners
VS.		
Suhas V. Kulkarni & Ors.	..	Respondents

WITH
WRIT PETITION NO. 8382 OF 2014

Suhas V. Kulkarni	..	Petitioner
VS.		
Khedut Shikshan Mandal & Ors.	..	Respondents

Mr. V. S. Talkute for Petitioner in WP 8933 of 2014 and for Respondent Nos. 1 and 2 in WP 8382 of 2014.
Mr. N. V. Bandiwadekar for Respondent No. 1 in WP 8933 of 2014 and for Petitioner in WP 8382 of 2014.
Mr. A. R. Metkari – AGP for Respondent No. 3 in WP 8933 of 2014 and for Respondent No. 4 in WP 8382 of 2014.
Mr. Suhas Kulkarni – Petitioner in WP 8382 of 2014 and Respondent No. 1 in WP 8933 of 2014 - present in person.

CORAM : M. S. SONAK, J.
DATE : 12 FEBRUARY, 2015

P.C. :-

1] With the consent of the parties and their learned counsels, both these petitions can be disposed of by the following agreed order:

(A) The impugned judgment and order dated 7 April 2014 passed by the Presiding Officer, Bombay University and

College Tribunal, Holding Charge, in Appeal No. 7 of 2012 [S) is quashed and set aside;

(B) The order dated 23 April 2012 issued by the petitioners to dismiss the respondent no. 1 from service w.e.f. 24 April 2012 is quashed and set aside and the proceedings of enquiry initiated against the respondent no. 1 are restored;

(C) The petitioners shall be entitled to conduct departmental enquiry against the respondent no. 1 in pursuance of charge sheet dated 31 October 2011 afresh. The parties shall be entitled to produce additional documents and evidence in support of their respective cases and defence. However, it is clarified that the same shall be in relation to the charges set out in charge sheet dated 31 October 2011 and not for the subsequent period;

(D) However the contention of respondent no. 1 that the charge no. 2 levelled by the said charge sheet cannot be levelled, is kept open;

(E) The respondent no. 1 shall be entitled to take assistance of a defence representative (not Advocate) and shall appear before the Enquiry Officer on 23 February 2015 at 11.00 a.m. The Enquiry Officer shall complete the enquiry within a period of three months from 23 February 2015;

(F) Till the completion of enquiry as aforesaid, the

respondent no. 1 shall remain under suspension. The petitioner shall pay to the respondent no. 1 subsistence allowance as per the Rules with effect from 1 February 2015 until the completion of the enquiry;

(G) The issue of payment of back-wages of the respondent no. 1, if any, will abide by the decision in the enquiry proceedings as aforesaid. The same is kept specifically open;

(H) It is clarified that this Court has not expressed any opinion on the merits of the matters. All issues and contentions are therefore kept open.

2] Mr. Suhas V. Kulkarni - the respondent no. 1 is personally present in the Court and has agreed to the aforesaid terms, on which the present petitions are being disposed of.

3] Both the petitions are disposed of in the aforesaid terms. There shall be no order as to costs.

4] All parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)