

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 9098 OF 2013**

1 Modern Education Society,
Through the Secretary,
having its office at Navrosjee
Wadia College, 19, Late
Principal V.K. Jog Path,
Pune 411 001.

2 Principal,
Navrosjee Wadia College,
Late Principal V.K. Jog Path,
Pune 411 001.

....Petitioners.

Vs.

1 Mr. Abdullah Ismail Khan,
Residing at Bhosale Garden,
D-71, Hadapsar,
Pune 411 027.

2 Joint Director of Higher Education,
Pune Region,
Pune 411 001.

3 State of Maharashtra,
Through the Secretary,
Department of Higher &
Technical Education,
Mantralaya, Mumbai 400 032.

4 University of Pune,
Through its Registrar,
Pune.

....Respondents.

Mr. Mihir Desai for the Petitioners.

Ms. Vibuti Desai i/by Mr. Atul G. Damle for the Respondent No.1.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 15th JANUARY 2015.

ORAL JUDGMENT (PER SMT. VASANTI A. NAIK, J):-

Rule. Rule made returnable forthwith.

Since the notice for final disposal was issued to the Respondents in pursuance of the order dated 29.10.2013 and the Respondents are duly served, the Writ Petition is heard finally at the stage of admission.

The Petitioners have challenged the impugned order of the Management Council dated 15.2.2010 inter-alia on two grounds. Firstly, according to the Petitioners, the Management Council had not heard the Petitioners before accepting the recommendation of the Grievance Committee. Secondly, according to the Petitioners the Management Council has not recorded any reason for accepting the recommendation. It is submitted that it is held by the Division Bench of the Nagpur Bench of this Court in the Judgment dated 9.3.2011, in Letters Patent Appeal No. 114 of 2009 and others that, it would be necessary for the Management Council to hear the parties concerned before taking a decision on the recommendation of the Grievance Committee.

On hearing the learned counsel for the Parties, and on a

perusal of the impugned order, it appears that the Management Council has not recorded a single reason for accepting the recommendation of the Grievance Committee. Moreover, it appears that the Petitioners were not heard by the Management Council before accepting the recommendation of the Grievance Committee, by the order dated 15.2.2010. The Petitioners have raised a categorical ground in the Petition that the Management Council had not granted an opportunity of hearing to the Petitioners though it is obliged to give the hearing to both the sides before passing an order. The Respondent-University has not filed a reply to the Writ Petition and has not controverted the statements made in the Writ Petition. Also, it appears from the impugned order that it is sans reasons. If the Management Council is obliged to grant an opportunity of hearing to the parties, it is expected of the Management Council to at least record a few reasons for the decision.

In view of the aforesaid, the Writ Petition is partly allowed. The impugned order of the Management Council is quashed and set aside. The matter is remanded to the Management Council for taking a decision after hearing the Petitioners and the Respondent No. 1.

Rule is made absolute in the aforesaid terms, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)