

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11705 OF 2014

Dr.Gautam L. Bhong

... Petitioner

Vs.

Maharashtra Education Society & Ors.

... Respondents

Mr.Yashodeep Deshmukh I/b Pranil Sonawane for the Petitioner
Ms.M.S. Bane, AGP, for Respondent No.5

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

DATE: 6th JANUARY, 2015

P.C.:

By this petition, the petitioner challenges the order of the management, accepting the resignation tendered by the petitioner. The petitioner seeks a stay to the orders passed by the management, accepting the resignation of the petitioner during the pendency of the appeal filed by the petitioner before the University and College Tribunal.

The petitioner was appointed as a lecturer in the respondent College and was elevated to the post of Vice-Principal. It is the case of the petitioner that the petitioner was forced to tender resignation as he was threatened that if he failed to do so, he would be sent in police custody. The allegation of the management against the petitioner was that the

petitioner had sent some unsavory SMSs to a girl student in the college. The petitioner decided to withdraw the resignation, as according to the petitioner, it was a forced one. However, the petitioner was relieved from his duties by the respondent Management and it was informed to the petitioner that his resignation was accepted. Being aggrieved by the so called termination of his services, the petitioner filed an appeal before the University and College Tribunal, Pune. In the absence of a Presiding Officer, the application of the petitioner for grant of stay was not heard and hence, the petitioner has approached this Court for seeking the aforesaid relief.

We do not find on a perusal of the writ petition and on hearing the learned Counsel for the petitioner that this is a fit case for grant of interim relief in favour of the petitioner during the pendency of the appeal filed by the petitioner before the College Tribunal. The petitioner has admittedly tendered his resignation to the management. Though it is the case of the petitioner that it was a forced resignation. Moreover, the allegation levelled against the petitioner appears to be serious and in the facts of the case, it would not be in the interest of justice to permit the petitioner to perform his duties in the college, specially when the petitioner has been relieved by the management from his duties. If the petitioner ultimately

succeeds in the appeal before the College Tribunal, the relief could be granted to the petitioner. We, however, do not find the present case to be a fit one for grant of interim relief.

In view of the aforesaid, the writ petition is dismissed with no order as to costs. However, on a request made by the learned Counsel for the petitioner, the School Tribunal is directed to decide the application filed by the petitioner for grant of interim relief within a period of 3 months from the date of appointment of the Presiding Officer.

Order accordingly.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)