

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8463 OF 2016

Progressive Education Society,
through Secretary & Ors.

..Petitioners

v/s.

The Deputy Registrar,
Law & Grievances,
Savitribai Phule Pune University
& Ors.

..Respondents

Mr. R.P.Saroj for the Petitioner.
Mr. Tejas Dande for the Respondent no.4.
Mr. V.M.Mali, AGP for the State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : AUGUST 09, 2016.**

P.C.

1. Heard learned Counsel appearing for the respective parties.
2. On 21.2.2014, the Grievance Committee of respondent no.1 University submitted a report under Section 57 of the Maharashtra Universities Act, 1994 to the Management Council with recommendation that private respondents shall be paid an amount in

respect of encashment of leave. This recommendation came to be accepted by the management council by a common resolution dated 4th August, 2015, and this resolution is impugned in the present petitions.

3. The ground on which the resolution is challenged is that the same is passed without affording an opportunity of hearing to the petitioners. The issue involved in this petition is covered by the decision of the Division Bench of this Court in ***Yeshwant Shikshan Prasak Mandal, Kodoli, District Kolhapur & Anr. vs. Sadashiv Balkrishna Raktade & Ors.*** 2015(2) Mh.L.J. 236.

4. Mr. Saroj, learned Counsel for the petitioner submitted that in the light of the ratio of this decision, the impugned resolution deserves to be quashed and set aside. Mr. Tejas Dande, learned Counsel for the respondent no.4 fairly stated that in the absence of the opportunity of hearing to the petitioners, the impugned resolution cannot be sustained.

5. In the above circumstances, the impugned resolution cannot be sustained and the same is accordingly quashed and set aside. The matter is remanded to the Management Council of respondent no.1 to take a fresh decision on the recommendation of the Grievance Committee after granting an opportunity of hearing to all concerned. The Management Council shall take an appropriate decision as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order. The said decision shall be on its own merits and in accordance with law.

6. In the light of the above order, the writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)