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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION ST.NO.18017 OF 2008 IN
LETTER PATENT APPEAL NO.118 OF 2006

Prakash Ragho Bachchav ...Applicant
vs.
The Principal, Sahayadri
College of Arts and Commerce,
Pachal, Taluka Rajapur,
Dist.Ratnagiri & Ors. ...Respondents

Mr.Chetan Mali for the petitioner
None for the respondents

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI, JJ.
DATE : DECEMBER 9, 2016

P.C.:

1 The review is sought of the order dated 25th July 2006 passed by a Division Bench of this Court in the Letters Patent Appeal preferred by the petitioner. The petitioner who was an employee of a College was chargesheeted. An Enquiry was conducted. The Enquiry Officer submitted a report recording that the charges levelled against the petitioner were proved. An Order of removal from service was passed against the petitioner by his employer. The petitioner challenged the order of removal by preferring an appeal before the Tribunal. The appeal was dismissed. Being aggrieved by the dismissal of the appeal, the petitioner preferred a Writ Petition which was summarily rejected by the learned Single Judge of this Court by an order dated

19th December 2005. Being aggrieved by the order of the learned Single Judge, a Letters Patent Appeal (LPA) was preferred which was summarily dismissed by the order sought to be reviewed which reads thus:

"1 We have heard learned counsel for the petitioner. He contended that no opportunity was given to the appellant to cross examine the witnesses and examine his own witnesses. We have been taken through the order dated 16.7.2004 passed by the Presiding Officer, University and College Tribunal, Mumbai. In this order, the Presiding Officer has observed that the appellant refused to cross examine the witnesses though opportunity was given to him and he tried to prolong the enquiry. The appellant even boycotted the enquiry. We have no reason to take a different view.

2 So far as the findings of the learned Presiding Officer as regards the charges levelled against the appellant are concerned we feel that they are well founded. The learned Single Judge has rightly concurred with the Presiding Officer of the Tribunal. In our opinion no case is made out for interference. Hence appeal is rejected."

2 Thus, the only argument canvassed in the LPA was that no opportunity was given to the petitioner to cross examine the witnesses examined by the

Management and to examine his own witnesses. The said argument has been dealt with by referring to the findings of the learned Presiding Officer of the University and College Tribunal, Mumbai. The Division Bench concurred with the view taken by the learned Presiding Officer of the Tribunal.

3 Therefore, considering the findings recorded by the Division Bench, we find that there is no error apparent on the face of the record. Even otherwise there is no ground for review. Review petition is rejected.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)