IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NOS. 11901, 11085, 11088, 11089, 11185, 11188, 11189 AND 11904 OF 2015

Maratha Vidya Prasarak Samaj, Nashik and anr. ....Petitioners
versus
Savitribai Phule Pune University and ors. ...Respondents

Mr. Narendra V. Bandiwadekar, advocate for the petitioners.
Mr. P. P. Kakde, AGP for the State.
Mr. Ramanathan Chittur Sadasivan, advocate for respondent No.2.

CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.

DATE : 20th JULY, 2016.

P. C. :

Writ Petition No.11189 of 2015 is not on board. The same is taken up for hearing because the connected matters are listed on board today.

2. Heard learned counsel and learned AGP appearing for the respective parties.

3. On 28th December, 2012, 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.

4. 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 these petitions is covered by the decision of the Division Bench of this Court in ***Yeshwant Shikshan Prasarak Mandal, Kodoli, District Kolhapur & anr. vs. Sadashiv Balkrishna Raktade & ors.,2015 (2) Mh.L.J.236.***

5. Mr. Bandiwadekar submitted that in the light of the ratio of this decision, the impugned resolution deserves to be quashed and set-aside. Mr. Sadasivan, learned counsel for respondent No.2 fairly stated that in the absence of the opportunity of hearing to the petitioners, the impugned resolution cannot be sustained.

6. 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.

7. In the light of the above order, the writ petitions stand disposed of.

(ANUJA PRABHUDESSAI, J.) **[RANJIT MORE, J.]**