

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

WRIT PETITION NO. 11427 OF 2015

Suhasrao D. Khambe

... Petitioner

vs.

State of Maharashtra & ors.

... Respondents

Mr. C. G. Gavnekar, Advocate for the petitioner.

Mr. Aparna Vhatkar, A.G.P. for respondents no.1 to 3.

Mr. Gajanan M. savagave, Advocate for respondent no.4.

Mr. Amit B. Borkar, Advocate for respondent no.6.

Coram : Smt. R. P. SondurBaldota, J.

Date : 20th September, 2016

P.C. :

This petition takes objection to only part of the impugned order passed by the Grievance Committee of respondent no.4 i.e. Shivaji University, Kolhapur directing respondent no.4 Mangement to hold enquiry against the petitioner under Statute No. 216 of Shivaji University Act. Mr. Borkar, the learned advocate for respondent no.6 makes a statement that the Grievance Committee to respondent no.6 never intended to give direction to respondent no.4 to hold enquiry against the petitioner. He further reiterates that in view of provision of Rule 57 no such direction can in fact be given. According to him, the University Grievance Committee intended to state that unless respondent no.4 holds an enquiry under Statute No.216 of Shivaji University Act it cannot

withhold an increment in salary. Mr. Borkar tenders xerox copy of letter dated 19th November, 2015 from the College and University Development Board addressed to the Principal of respondent no.4. This statement made by Mr. Borkar is consistent with letter dated 19th November, 2015 addressed by the Board of College and University Development to the Principal of respondent no.4. By that letter Principal of respondent no.4 was informed that approval granted to appointment of Mr. Khambe as the enquiry office stands cancelled. There is no dispute that the Management can hold independent enquiry against the petitioner by following the procedure laid down for the purpose under the Shivaji University Act and the Statute. In view of this clarification, nothing survives in the petition for the decision of the Court. The petition is accordingly dismissed.

[Smt. R. P. SondurBaldota, J.]