

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1195 OF 2012

Dr. K. Arunachalam

.....Petitioner

V/s.

People's Education Society,
Mumbai and Ors.

.....Respondents

* * * * *

Dr. K. Arunachalam, petitioner present in person.

Mr. V.B. Tiwari a/w. Ms. Jyoti Tiwari, Ms. Kiran Tiwari i/by. M/s.
V.B. Tiwari & Co., Advocate for respondents no.1, 3, 5 and 6.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 30TH SEPTEMBER, 2016.

P.C. :-

1). The petitioner was appointed as the Principal of Siddharth College of Law by respondent no.1, Trust on 1st September, 2009. He had been served with the notice dated 13th June, 2011 calling upon him to show cause as to why his services be not terminated for the charges mentioned therein. Thereafter, the order of termination dated 17th August, 2011 was passed. Being aggrieved by the order of termination, he preferred an appeal to the

University Tribunal being Appeal No.33 of 2011. By the order dated 7th February, 2012 the Tribunal dismissed his Appeal. Therefore, he has approached this Court.

2). Respondent no.1 is a registered Trust. The serious imputations contained in the show cause notice served upon the petitioner on the basis of which his services were terminated are that, he had formed illicit and fraudulent alliance with one, Mr. M. S. More, who has been removed from the Governing Body on 9th April, 2010 on the allegation of misappropriation of funds of respondent no.1 to the extent of Rs.56,00,000/-. Despite the fact Mr. More claimed to be the Chairman of respondent no.1. The petitioner accepted him as the Chairman of respondent no.1, obeyed his orders with intent to undermine the authority of the then Chairman, Shri. K. H. Ranganath and thereby violated the terms and conditions of his service. The second imputation against him was that, he had illegally collected donations from the students while admitting them in the academic year 2010-11 in conspiracy with Mr. More and one Mr. Subhash Jadhav. This act was contrary to the policy of the Governing Body of respondent no.1. The third imputation was that, the petitioner had flouted the official instructions of respondent no.1 in the matter of reinstatement of Mr. V. B. Tiwari to the post of Lecturer in the College. The fourth imputation was that, at the behest of Mr. More, the petitioner had carried out illegal alterations in the premises. And the fifth imputation was that, he had indulged in a double game plan of manipulation of administration. On the one hand, he continued to

obtain signatures of Dr. D. J. Gangurde for banking operations of the college and on the other hand, took signatures of Mr. More, whenever it suited his purpose. By obtaining signatures of Mr. More as the Chairman of respondent no.1, the petitioner had got a show-cause notice issued to Professor V. B. Tiwari and also terminated his services.

3). In his appeal to challenge the order of termination, the petitioner had impleaded Mr. K. H. Ranganath, who had issued the letter of termination to him, as well as, Mr. More describing both as “the so-called Chairman” of respondent no.1. In the proceedings before the College Tribunal, however, the petitioner had contended that Mr. M. S. More was the Chairman of respondent no.1. He had claimed that Mr. More had issued letter of confirmation dated 12th August, 2011 to him as the Principal of the College. It is to be noted that this letter was issued five days prior to the termination of the petitioner.

4). One of the contentions of the petitioner before the College Tribunal was that, his termination from service was illegal since the services of the petitioner had already been confirmed and no regular departmental enquiry was conducted against him. Respondent no.1 had submitted in reply that, the petitioner was still a probationer not having completed two years of probation. As his services were never confirmed, there was no need to hold a regular departmental enquiry into the charges against him. The College Tribunal, for the extensive reasons stated in the order, has held that

Mr. M. S. More was not the Chairman of respondent no.1 at the relevant time. The documents produced by the petitioner himself, indicated that the Chairman was, Mr. K.H. Ranganath. Therefore, the letter of confirmation issued by Mr. M. S. More was without any authority and as such inconsequential. Apart from the letter of confirmation from Mr. M. S. More, no document was produced by the petitioner to establish that, he had successfully completed his probation and that his services had been confirmed.

5). The petitioner, who appears in person submits that, the period of probation provided in the University Rules is only of one year. Therefore the College Tribunal ought to have held that, on his continuation in service after completion of one year, he was deemed to have been confirmed in his service as the Principal. The letter of appointment of the petitioner, clearly refers to period of 2 years as the period of probation. No dispute had been raised by the petitioner at any point of time about that period. Even after completion of the period of one year, he made no claim of deemed to have been confirmed in the service. Instead, he has relied upon letter of confirmation of Mr. M.S. More. Therefore, the Tribunal rejected his contention as regards the deemed confirmation in service also.

6). On consideration of the material on record, I am of the opinion that, the view taken by the Tribunal is correct and proper. There was no need for respondent no.1 to hold departmental enquiry in the imputations made against the petitioner. In any

case, in his appeal, before the College Tribunal, as well as, in the present petition, the petitioner seeks to justify his action in siding with Mr. More as the Chairman of respondent no.1, Society. Since this has been one of the imputations against him, no further material is required to establish the same. Thus, even without going into the other imputations against him, no fault can be found with the order of the Tribunal. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)