

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6140/2015

Niranjan s/o Bhashkar Bramhne and others

...Versus...

Rashtrasant Tukdoji Maharaj Nagpur University, Civil Lines, Nagpur, through its
Vice Chancellor and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri I.G. Meshram, Advocate for petitioners
Shri A. Pande, Advocate for respondent no.1
Shri N.H. Joshi, AGP for respondent nos.2, 3 and 4
Shri B.G. Kulkarni, Advocate for respondent no.5
Shri V.P. Marpakwar, Advocate for respondent no.7

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 03.03.2016

By this petition, the petitioners have sought a direction against the respondent nos.1 to 3 to withdraw the approval granted to the appointment of the respondent no.7 on the post of Assistant Lecturer/Principal of the respondent no.6 – College, in view of his conviction in R.CC. No.334/2002 for the offences punishable under the provisions of the Indian Penal Code. The petitioners also seek a direction against the respondent nos.1 to 3 to permanently disqualify the respondent no.7 under the provisions of Section 44 (e) of the Maharashtra Universities Act, 1994.

According to the petitioners who are working as lecturers in the respondent no.6 – College, the respondent no.7, who is working as an officiating Principal in the said College has been convicted for the offences punishable under Sections 420, 468, 471 and Section 109 read with Section 34 of the Penal Code. According to the petitioners, despite the conviction of the respondent no.7, neither the University nor the respondent no.5 – Management has initiated any action against the respondent no.7 in terms of the Circular of the State Government, dated 14.9.2015, in terms of which the authorities are expected to take appropriate action against the employees that are convicted by the Criminal Courts.

Shri Kulkarni, the learned Counsel for the respondent no.5 – Management states, on instructions, that in view of the judgment rendered by this Court in a writ petition, governing the seniority of the employees working with the respondent no.6 – College, the seniority list has to be modified. It is stated that the respondent no.7 cannot be appointed as an officiating Principal as per the judgment rendered by this Court in the writ petition. It is stated that the seniority list would be revised within a short time and appropriate steps would be taken for appointing a new officiating Principal and/or the regular Principal. It is stated that the Management would also look into the Circular of the State Government, dated 14.9.2015 and consider whether it would be applicable to the case of the respondent no.7 and whether action against the respondent no.7 in terms of the said Circular is necessary.

We find that the grievance of the petitioners stands redressed at this stage, as the respondent no.7 would remain to be the officiating Principal in the respondent no.6 – College only for a few days from today. After the seniority list is revised within a short time, admittedly, the respondent no.7 would not be the senior most teacher in the said college (since this fact is admitted even by the Counsel for the respondent no.7). Otherwise also, the approval to the appointment of the respondent no.7 as an officiating Principal is till 31.03.2016 only. The Management has also agreed to look into the Government Circular and consider taking action against the respondent no.7, if necessary.

In view of aforesaid, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar