

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1757 OF 1998

1 The Principal,
Dhule Charitable Society
Sanchalit Ayurved College,
Deopur, Dhule.

2 The President,
Dhule Charitable Society,
Dhule.

...PETITIONERS

-VERSUS-

1 Dr.Jagdish Rangrao Deshmukh,
100, Shrirang Adarsh Colony,
Deopur, Dhule,
Pin-424002.

2 The Registrar,
North Maharashtra University,
Jalgaon.

3 The Director,
Central Council of Indian Medicine,
Institutional Area, Janakpuri,
New Delhi-110058.

4 The State of Maharashtra.

...RESPONDENTS

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Advocate for Petitioners : Shri Ajay G.Talhar.

Advocate for Respondent 2 : Shri Yogesh Bolkar h/f Shri
R.B.Raghuwanshi.

AGP for Respondent 4 : Ms.S.S.Raut.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd March, 2017

Oral Judgment :

1 The Petitioner/ Management is aggrieved by the judgment of the University and College Tribunal dated 18.02.1998 by which the appeal filed by Respondent No.1/ original Appellant Employee challenging his termination dated 22.06.1996, has been allowed and the impugned order of termination was set aside.

2 I have heard Shri Talhar, learned Advocate for the Petitioner and Shri Bolkar, learned Advocate on behalf of Respondent No.2/ University, for quite sometime. None for Respondent Nos.1 and 3.

3 Shri Talhar submits, on instructions, that Respondent No.1/ Appellant, after the judgment of the University Tribunal, did not report for duties. He has subsequently set up his own hospital.

4 Shri Bolkar submits that it is undisputed that the only cause for termination of the Appellant's service as a Lecturer in Shalyatantra in Ayurved College, was on the basis that the approval was not granted to him by the University. He had joined on 08.01.1994 and thereafter, continued with appointment orders over six months. He was lastly appointed for a period of two years by order dated 23.06.1995.

5 It cannot be ignored that during the pendency of the proceedings before the University Tribunal, Respondent No.1 was granted approval by the University as a part-time lecturer for the year 1995-1996, by letter dated 25.09.1997. Considering the grant of approval, the University Tribunal had set aside the order of termination since the sole ground for terminating his service no longer existed.

6 Considering the above, I do not find that the impugned judgment of the University Tribunal could be said to be perverse or erroneous as a solitary ground for termination of the part time services of the Appellant was lack of approval and the said ground did not exist during the pendency of the proceedings.

7 To the limited extent as above, I do not find that the impugned judgment calls for any interference. This Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.

8 Needless to state, this Court has not expressed any opinion nor has the University Tribunal, as regards the nature of appointment of the Appellant and his claim for permanent employment.