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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1353 OF 2010

Param Pujya Swami Vivekanand
 Sevashram Sanstha
 At Shirala, Taluka Shirala, District Sangli ..Petitioner

Versus
 The State of Maharashtra
 Through Department of Secretary,
 Higher and Technical Education,
 Mantralaya, Mumbai and others ..Respondents

Mr. Vijay D. Patil i/by Mr. Ramdas P. Hake-Patil for the Petitioner.
 Mr. Mihir Desai, Senior Advocate i/by Mr. S. R. Ghanavat for the
 Respondent Nos.7 to 12.
 Mrs. Rupali M. Shinde, AGP for Respondent No.1 and 2.
 Mr. Amit B. Borkar for Respondent Nos.3 to 5.

CORAM: B. R. GAVAI &
SANDEEP K. SHINDE, JJ.

DATE: 8th November, 2017

P.C.:-

1] Rule. Rule is made returnable forthwith. Respondents waive service. Heard, by consent of parties.

2] Petitioner, by the present Petition, has challenged the order passed by Respondent No. 5 i.e. the Grievance Committee of the Shivaji University, Kolhapur. It appears that, by the said order, the Grievance Cell has directed back-wages to be paid to Respondent Nos.6 to 12. It is the contention of the Petitioner that before passing the impugned order, neither the Grievance Cell nor the Management,

which approved the decision of the Grievance Cell, granted an opportunity of hearing to the Petitioner. This position is not disputed by the Respondents.

3] In that view of the matter, we find that this Petition will have to be allowed on the short ground of non-compliance of the principles of natural justice. However, it is to be noted that subsequent to the passing of the impugned order, the Maharashtra Universities Act, 1994 has been substituted by the Maharashtra Public Universities Act, 2016. Under the said Act, the Grievance Committee is provided under the chairmanship of a retired District Judge.

4] In that view of the matter, we find that, in the interest of justice, the said Grievance Committee will have to be directed to decide the matter afresh.

5] Mr. Borkar, learned Counsel appearing on behalf of the Respondent – University, submits that the elections to the Senate of University are scheduled on 17/11/2017 and results would be declared on 19/11/2017. He submits that the first meeting of the Senate is required to be held within 45 days from the date of declaration of the results of the elections to the Senate.

5] In that view of the matter, we dispose of the Petition in the following terms:-

(i) The Senate, after its election, shall nominate the members on the Grievance Cell as provided under sub-clauses (a) to (f) of sub-section 3 of Section 79 of the Maharashtra Public Universities Act, 2016 within a period of one month from the date of declaration of the results.

(ii) The Grievance Cell, so constituted, shall hear the grievance of Respondent Nos. 6 to 12 within a period of one month from the date of its constitution.

(iii) The Grievance Cell shall decide the matter within a period of one month from the date of the first hearing.

(iv) It is made clear that rival contentions available to the parties are kept open and the parties would also be at liberty to file their pleadings before the Grievance Cell.

(v) Rule is made absolute in the aforesaid terms with no order as to costs.

(SANDEEP K. SHINDE, J.)

(B. R. GAVAI, J.)