

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4513 OF 2015**

Dr. Dilip Shankar Bagade

..Petitioner

Vs

Dr. Balasaheb Sawant Konkan
Krushi Vidyapeth, Dapoli & Ors.

..Respondents

Ms Pavitra M. and Mr. M. S. Topkar for Petitioner.

Mr. S. K. Sawant for Respondent Nos. 1 and 2.

Mr. Sandeep Babar – AGP for State – Respondent No. 3.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : AUGUST 01, 2017

P.C. :

By this petition the petitioner has challenged the order dated 21st November 2012 passed by the Vice Chancellor of the respondent no. 1 – University .

2] The respondents have filed reply. In paragraphs 5, 19 and 22, it has been stated that the impugned order is appealable order and the appeal would lie before the Grievance Committee as provided in Statute 118 of the Maharashtra Agricultural Universities (Krishi Vidyapith) Statute 1990.

3] In view of the aforesaid preliminary objection raised by the respondent nos. 1 and 2 in their reply, we are inclined to allow the petitioner to withdraw this petition with liberty to the petitioner to avail the remedy of appeal as provided under the Statute 118.

4] However, since the matter was pending before this Court, we grant the petitioner liberty to file the appeal within four weeks from today.

5] In case, the petitioner files appeal before the appellate authority as aforesaid, the appellate authority shall decide the petitioner's appeal on merits and shall not dismiss it on the ground of limitation.

6] The decision on the petitioner's appeal be taken by the appellate authority as expeditiously as possible.

7] Petition is allowed to be withdrawn with the liberty as aforesaid.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)

Chandka