

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7653 OF 2014

Smt. Dnyanda Nilesh Yadav ... Petitioner

Vs.

The Registrar, University of Pune & Ors. ... Respondents

.....

Mr. Vinod N. Tayade for the Petitioner.

.....

**CORAM : S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE : OCTOBER 30, 2017.

P.C. :

1. The Petitioner claims to have been appointed as a Librarian in the Vivekanand Institute of Technology, Pune with effect from 1st February, 2006 and relies upon the appointment order/letter, copy of which is at page 15 of the paper book.

2. It is argued by Mr. Tayade that this appointment letter has been issued pursuant to the selection of the petitioner as Librarian by a duly constituted selection committee of the Vivekanand Institute of Technology.

3. However, the benefits of the post of Librarian have not been extended to the petitioner though the management has chosen to extract work.

4. That is how the petitioner approached the grievance committee in terms of Section 57(1) of the Maharashtra Universities Act, 1994 and the grievance committee had recommended to the University that the petitioner must be extended the benefits and in terms of the Rules and Regulations which would enable her to obtain the same and particularly, the moneys for having worked as Librarian at that institute.

5. The grievance of Mr. Tayade is that such a comprehensive recommendation of the grievance committee has not been approved or accepted by the management council of the Pune University and by the impugned order dated 6th May, 2014, the recommendation of the grievance committee was turned down. However, no reasons are assigned while turning down the same.

6. What we have found from the record and which is relied upon by the petitioner herself is that the Vivekanand Institute of Technology brought before the grievance committee a specific plea that the petitioner has not been able to fulfill the eligibility criteria. She does not possess the essential educational qualifications for being appointed as Librarian. Further, the appointment as Librarian by the Institute has not been approved by the Pune University. If this is how the record proceeds, then, we do not see any justification for the recommendation by the grievance committee in favour of the petitioner.

7. Further, though the grievance committee's recommendation can be relied upon by the petitioner, the same is not binding on the University. The University's management council need not assign any reasons and elaborate as they are sought by the petitioner. The record before the grievance committee itself was sufficient to arrive at a conclusion that the recommendation of the grievance committee cannot be accepted. If the petitioner is not appointed according to the Rules and Regulations and she does not possess the educational qualifications for the post as well, then, the grievance committee has no business to make any favorable recommendation for her. This is reason enough for the management council of the Pune University to disapprove the recommendation and reject the request of the petitioner.

8. In such academic matters, we do not sit as an appellate authority nor do we substitute the council's views by our views. There being no illegality nor any perversity brought to our notice, the Petition has no substance. It is dismissed. No costs.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)