

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.315 OF 2017

Dr. Dineshchand Agrawal Petitioner

Versus

Union of India,
Through the Secretary,
Ministry of Human Resource Development,
Government of India, New Delhi & Ors. Respondents

Mr. Ramesh Ramamurthy, i/by Mr. Saikumar Ramamurthy, for the
Petitioner.

Mr. Vinod Joshi for Respondent No.4.

Mr. Neel Helekar for Respondent No.5.

Mr. A.M. Sethana for Respondent Nos.1 and 6-UOI.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 7TH AUGUST, 2017.

ORAL JUDGMENT [PER SMT. V.K. TAHILRAMANI, J.] :

. Rule. Rule is made returnable forthwith. Heard finally, by consent of
the parties.

2. Heard learned counsel for the Petitioner and learned counsel for all
the Respondents.

3. This Petition has been preferred against the order dated 16th

September 2016 passed by the Central Administrative Tribunal, Mumbai, in O.A. No.625 of 2016 preferred by the Petitioner.

4. In the O.A. No.625 of 2016, the Petitioner had challenged the constitutionality of the Recruitment Rules dated 9th June 2012 for appointment to the post of 'Principal' of Government Law College, Daman.

5. In the order dated 16th September 2016, it is observed by the Tribunal that the Petitioner had already preferred a representation ventilating his grievances and requesting the authorities to suitably amend the Recruitment Rules for appointment to the said post of 'Principal'. Hence, the Tribunal has directed Respondent No.3, i.e. the Secretary (Education), Administration of Daman & Diu, Daman, to consider and dispose of the first representation of the Petitioner dated 21st July 2014 in accordance with law and pass a reasoned and speaking order within four weeks from the date of receipt of a copy of the order.

6. The learned counsel for the Petitioner as well as the learned counsel for all the Respondents agreed that Respondent No.3 is not an appropriate authority to consider the representation of the Petitioner and the appropriate authority would be Respondent No.1, i.e. Union of India, through the Secretary, Ministry of Human Resource Development, Government of India, New Delhi.

7. In this view of the matter, the order dated 16th September 2016 passed by the Tribunal is modified and instead of Respondent No.3 considering the representation, as directed by the Tribunal, Respondent No.1, in consultation with Respondent Nos.4, 5 and 6, if found necessary, to consider and dispose of the representation of the Petitioner within a period of three months from the date of communication of this order.

8. Till the representation of the Petitioner is decided, the post of 'Principal' of Government Law College, Daman, shall not be filled up.

9. Petition is disposed of.

10. Rule is made absolute in the aforesaid terms.

11. Parties to act on an authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[SMT. V.K. TAHILRAMANI, J.]