

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 1923/2016

&

CIVIL APPLICATION NO.2734/2016

(Santosh Balkrishna Gaybole vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Shri A.R.Ingole, Adv.for petitioner
 Shri B. M Lonare, AGP for respondent no.1
 Shri N.Khubalkar, Adv.for respondent no.2
 Mr Abay Sambre, Adv.for respondent no.3

CORAM : B.P. DHARMADHIKARI &
 MRS. SWAPNA JOSHI, JJ.

DATED : 3rd March, 2017.

Heard.

2. In present Writ Petition filed under Articles 226 and 227 of the Constitution of India on 21.08.2015 the petitioner seeks to challenge the communication dated 9.1.2015 refusing approval to his appointment. It is not in dispute that with effect from 31.12.2010 his services were already terminated. The petitioner has taken out Civil Application No.2734/2016 seeking leave to amend the petition. Adv. Ingole submits that the petitioner is also seeking relief of reinstatement.

3. Adv.Khubalkar for respondent no.2 University; learned AGP for respondent no.1 and Adv. Abhay Sambre for respondent no.3 point out that the basic challenge in the matter is to termination. Unless and until termination is set aside, the other reliefs cannot be considered. They point out that

remedy of approaching the College Tribunal constituted under Maharashtra Universities Act, 1994 is available to petitioner.

In this situation, we grant petitioner leave to file appropriate appeal before the college Tribunal with suitable application for condonation of delay. Keeping all the rival contentions open with above liberty, we dispose of the present petition and civil application.

JUDGE

JUDGE

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