

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 667 OF 2015

THE ACTING PRESIDENT, JAWAHAR EDUCATION SOCIETY, BEED AND
ANOTHER
VERSUS

DR BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY,
AURANGABAD AND OTHERS

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Advocate for the Petitioners : Shri Bhavthankar Vivek Vasantrao.

Advocate for Respondent 1 : Shri A.D.Aghav.

AGP for Respondent 2 : Shri S.K.Tambe.

Advocate for Respondent 3 : Shri A.A.Mundhe.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th July, 2018

Per Court:

1 The Petitioner/ Management is aggrieved by the order dated 30.09.2014, which is the communication issued by the Director, Board of College and University Development of the University under the Maharashtra Universities Act, 1994 by which, the decision of the Grievances Redressal Committee, which was accepted by the Management Council on 24.09.2014, has been communicated to the Petitioner. The Petitioner/ Management is directed to grant promotion to Respondent No.3.

2 I have considered the submissions of the learned Advocates

for the respective sides and I find that the impugned decision is on account of the Petitioner/Management having not placed the relevant documents before the Grievances Redressal Committee in view of the complaint lodged by Respondent No.3 that he has been superseded and some other employee has been promoted.

3 It is informed that the Maharashtra Public Universities Act, 2016 has now been introduced and the Grievances Redressal Committee is to be set up under the said Act. The Act also provides that such matters, as in hand, can be placed before such Committee and any person aggrieved by the decision of the Committee, can approach the University and College Tribunal under Section 81(1)(b) of the 2016 Act.

4 In view of the above, this Writ Petition is partly allowed. The impugned order dated 30.09.2014 is quashed and set aside and further directions are being issued as follows :-

- (a) Respondent No.1/ University shall place the disputes raised by Respondent No.3 dated 01.04.2013 and 21.08.2013 before the Committee within 30 days of the constitution of such new Committee.
- (b) Respondent No.3 confirms his address set out in the cause title of the petition.
- (c) Notice would be issued by the Committee to the litigating sides forthwith and the concerned parties shall participate in

the said proceedings on the dates on which the Committee posts the matter for hearing.

- (d) The decision of the Committee, if is favourable to and is in the interest of Respondent No.3, the same shall relate back to the date of his complaint and he would be entitled for the benefits from the date he has raised the grievance.
- (e) Respondent No.3 is at liberty to file a fresh representation before the Committee, if so desired, in addition to the pending applications and is also at liberty to add those persons as Respondents, who according to him, have superseded him.
- (f) Needless to mention that this Court has not expressed any view about the merits of the claims of the rival sides and the Committee is at liberty to decide the said claims on their own merits.