

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 9055 OF 2012

Ramesh Jairam Patil and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri. S. R. Barlinge, Advocate for Petitioners.

Smt. P. V. Diggikar, A.G.P. for Respondent Nos. 1 to 3.

Shri. Y. B. Bolkar, Advocate h/f Shri. A. B. Girase, G.P. for Respondent No. 4.

**CORAM : S.V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATED : 27th November, 2018

PER COURT:

. Mr. Barlinge, the learned advocate for petitioners submits that K. D. Gavit Arts College run by the respondent No. 5 society at, Dhanora was transferred to Natawad illegally without permission of the university and the Government. No action is taken for the illegal transfer of the school. The Respondent No. 5 could not have expected the petitioners to officiate at

Natawad Tal. & Dist. Nandurbar, when the permission for college was at Dhanora Tal. & Dist. Nandurbar. The petitioners have also approached the grievance committee with regard to their grievance for non payment of salary. The learned counsel submits that as the college has been closed, the petitioners are required to be absorbed in another college.

2. Mr. Sangit, the learned advocate for Respondent No. 5 submits that though the college was transferred to Natawad, the same was immediately re-transferred to Dhanora. Resolution to that effect was passed. Notice was issued to petitioners to join the college. The petitioners did not join. The affiliation was continued upto the year 2014-2015 at Dhanora. Thereafter, the college was placed in no admission category.

3. Mr. Bolkar, the learned advocate for the university submits that the State Government had rejected the request of the Respondent No. 5 to transfer the college from Dhanora to Natwad under letter dated 26.03.2013. Thereafter, the management passed a resolution for re-transfer of the college to Dhanora. The request of the Respondent No. 5 is accepted by the management council on 24.07.2014 for re-transfer of the college from Natawad to Dhanora. The affiliation of the college was

continued till the academic year 2013-2014. Thereafter when the college did not comply with the deficiencies, it is place in no admission category. The Respondent No. 5 and it's college have not submitted any proposal for continuation of affiliation since the year 2015-2016.

4. The learned Assistant Government Pleader submits that the Government did not grant permission to the Respondent No. 5 to transfer the college and the said permission was rejected.

5. We have considered the submission of the learned counsel for respective parties.

6. As far as the grievance of petitioners for non payment of salary is concerned, the petitioners have already approached the grievance committee constituted under the Statute. The constitution of the grievance committee must have change after introduction of the Maharashtra Public Universities Act, 2016. However, as the proceedings were already filed when the new Act came into force, said proceedings are deemed to be continued. The grievance committee and the management council shall decide the grievance put forth by petitioners expeditiously and preferably within a period of four (4) months from today. The

petitioners and Respondent No. 5 may appear before the grievance committee on 10th December, 2018 and shall co-operate in expeditious disposal of the said proceedings.

7. As the college is re-transferred at its original place, we need not now consider the grievance about the transfer of the college. It is stated that the management has not submitted any application for continuation of affiliation.

8. In view of that the University shall take decision with regard to the status of petitioners and their claim for absorption under section 79(4) of the Maharashtra Universities Act, 1994 on its own merits. In that regard all contentions of respective parties are kept open. Writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

ass/wp 9055.12

[S. V. GANGAPURWALA, J.]