

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4631 OF 2018

Yashwant Shikshan Sanstha
Through its Chairman & Anr.
V/s.

...Petitioners

The Director of Colleges and University
Development Mandal & Ors.

...Respondents

Mr.Gajanan M. Savagave for the Petitioners.

Ms.Kavita Solunke, AGP for Respondent No.4-State.

**CORAM : B.R. GAVAI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 18th APRIL 2018

P.C.

1. The petitioner has approached this Court being aggrieved by the nomination of one Shri. Arun Patil on the inquiry committee constituted to inquire into a certain employees of the petitioner college.

2. It is contention of the learned counsel for the petitioner that in terms of statute No.216(A)(3) framed by the Shivaji University, Kolhapur the members of the committee have to be of the same college in respect which the enquirer is to be conducted.

3. It will be relevant to report, the relevant part of the statute which reads thus :-

“Section-216: Procedure for inflicting major penalties:

(A) The service of a teacher shall not be terminated under S.211 Clause 3(iii) (1) to (6) above, without holding a full inquiry in the matter by the College/Recognised Institution.

Before holding such inquiry, a preliminary inquiry shall be held by Committee consisting of

1) Principal/Head of the Recognised Institution (Chairman of the Committee)

2) Head of the Deptt, or a Head of Deptt., of College/Recognised Institution nominated by the Vice-Chancellor of the same faculty of Head of Deptt, whose inquiry is to be made.

3) One teacher of the College/Recognised Institution nominated by the Vice-Chancellor.”

4. It would be seen that the committee has to comprise of one who is a teacher of College/Recognised institution nominated by Vice-Chancellor. Perusal of the clause 2 would reveal that what is provided is that a member of the committee should be Head of the Department, or a Head of Department, of college/ recognized institution nominated by the Vice Chancellor. The provision do not contemplate that the teacher has to be from the same college.

5. In that view the matter we do not find that a case of interpretation is made out. The petition is rejected.

(SMT.BHARATI H. DANGRE, J.)

(B.R. GAVAI, J.)