

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

912. WRIT PETITION NO. 5945 OF 1999

Vasant S/o Pandharinath Bagul,
age major occupation service
R/o Nimgul Taluka Shindkheda Dist. Dhule.
...Petitioner

VERSUS

1. The State of Maharashtra
2. Jijamata Education Society, Nandurbar
through its Chairman
R/o Nandurbar Tal. and Dist. Nandurbar
3. The Principal,
Jijamata Education Society's Arts, Commerce and
Science College, Nandurbar Dist. Nandurbar
4. The Registrar,
North Maharashtra University,
Jalgaon Dist. Jalgaon.
5. The Joint Director of Education,
Jalgaon Dist. Jalgaon
...Respondents

Mr. Parag Shahane, Advocate for respondent No.1
Mr. S.R. Yadav, Asstt. Govt. Pleader for Respt. No. 1 & 5
Mr. A.B. Girase, Govt. Pleader for respondent No.4

CORAM : RAVINDRA V. GHUGE, J.

DATE : 27th June, 2019

ORAL JUDGMENT:

1. The petitioner is aggrieved by the judgment of the

University Tribunal, Aurangabad, dated 7th April, 1997, by which, his appeal No. NM-7 of 1995 has been dismissed.

2. I have heard the learned Advocate for the petitioner, the learned Asstt. Govt. Pleader on behalf of the State and the learned Advocate on behalf of respondent N.4. Despite service of the Court notice, respondents No.2 and 3 - the Educational Institutions have not caused their appearance in this matter.

3. There is no dispute that there was an advertisement published by the management, with reservation for the S.T. Category. The petitioner does not belong to the Scheduled Tribes category. A suitable candidate from the Scheduled Tribes category was not available for the post of Geography and the petitioner was, therefore, appointed against the category for one academic year from 1993 to 1994. The University granted approval only for one academic year.

4. The record reveals that the petitioner tendered a resignation on 10th February, 1994. He contends that the resignation was obtained forcibly.

5. It requires no debate that in matters of forcible resignation, the party has to react quickly and must recall the resignation or complain against the resignation at the earliest to indicate that it was an involuntary act. The petitioner tried to

retract his resignation in July, 1997 by addressing the management and by forwarding the copies to the University, His Excellency the Governor of Maharashtra State, the Hon'ble Chief Minister of Maharashtra State and the Education Minister, M.S., Mumbai.

6. Considering the above, I do not find that the Tribunal has committed any error in rejecting the appeal of the petitioner. This petition is, therefore, dismissed. Rule is discharged.

7. The learned Advocate for the petitioner submits that the management did not pay him his salary for the duration of his work. As such, the petitioner would be at liberty to approach the management or the Joint Director of Education for making a grievance and for seeking the recovery of purported unpaid salary.

**(RAVINDRA V. GHUGE)
JUDGE**

Madkar