

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

WRIT PETITION NO.1339 OF 2019

**DADASAHEB KUSHABAPU PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. R.A.Tambe, Advocate for the petitioner
Mrs. R.P.Gour, AGP for the respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 31.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. The petitioner submits that he is an Agriculturist and also actively involved in social service. The petitioner also claims to be Vice President of one organization, namely, the Anti Corruption committee. The perusal of document placed on record at Exh.'E' dated 24.08.2017 shows that an application was submitted to respondent No.3 raising certain grievances of alleged misdeeds of respondent No.5, raising a grievance about the appointment of respondent No.5. It is stated in the complaint/application that appointment of respondent No.5 is not inconsonance with the rules.
3. Respondent No.3 requested the Vice Chancellor of the Mahatma Phule Krushi Vidyapeeth, Rahuri i.e. respondent No.4 to submit self speaking report. It seems that in response to this communication the Registrar of the University forwarded a report to respondent No.3-Council. Perusal of this document shows that the Registrar is assigning the reasons and it is stated that on verification of various aspects respondent No.5 is

appointed on the post of University Engineer. It may not be necessary for us to refer to the details. It is then submitted by learned counsel that a detail enquiry was conducted in the works undertaken by the University and in the enquiry report the Members of the Committee found that respondent No.5 was responsible for certain losses to the University. Though, the petitioner raises grievance against respondent No.5, this report also refers to some other officers and respondent No.5 is one of these erring Officers.

4. The learned counsel for the petitioner then submitted that respondent No.3 submitted report to respondent No.2 i.e. the Principal Secretary, the Agriculture and Food Processing Department, Mantralaya, Mumbai on 01.02.2018. It is also the submissions of the learned counsel for the petitioner that respondent No.3 recorded his opinion and also requested the authority to pass necessary orders.

5. Learned counsel for the petitioner submitted that though the report is submitted to respondent No.2 there is no action initiated by respondent No.2. It is the submission of the learned counsel for the petitioner as the allegations against respondent No.5 are of serious nature, the expeditious action at the instance of respondent No.2 is expected. But the authorities seeking ideal over the report dated 01.02.2018.

6. On the backdrop of these facts the learned counsel prays for directions to respondent No.2 to take action on the report dated 01.02.2018 expeditiously.

7. This being the grievance of the petitioner, the petition can be disposed of at the admission stage with directions to respondent No.2 to take appropriate steps on the report dated 01.02.2018 submitted to him through respondent No.3, needless to state that respondent No.2 to take the decision considering the record and on the merits.

8. On the backdrop of the submissions of the learned counsel Mr. Tambe, we have gone through the provisions of Maharashtra Agricultural Universities Act under Section 66 of the Act speaks of the Authorities and officers responsible for the damages and Section 2(q) is the definition of 'State Council' and it reads, 'State Council' means the Maharashtra Council of Agricultural Education and Research constituted under this Act.

9. We make it clear that we have not made any observations on the merit of the communication. It is for the authority i.e. respondent No.2 to take a decision on assessment of the material. In case the authority thinks it fit to provide opportunity of hearing to the parties, respondent No.2 may undertake the exercise of providing opportunity of hearing to the parties.

10. With the above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]