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

**CIVIL APPLICATION NO.3394 OF 2019
IN / WITH
WRIT PETITION NO.1620 OF 2019**

Dr. Sachin Madhukar Nalawade
Age : 43 years, Occu. Professor & Head
of Department of Farm Machinery and
Power Engineering,
R/o Dr. A.S. College agricultural Engineering
and Technology, Mahatma Phule
Krishi Vidyapeeth, Rahuri,
District Ahmednagar ..APPLICANT

VERSUS

Mahatma Phule Krishi Vidyapeeth,
Rahuri,
Through its Registrar,
Rahuri, District Ahmednagar ..RESPONDENT

Mr Sanket S. Kulkarni, Advocate for applicant;
Mr M.N. Navandar, Advocate for respondent

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

DATE : 5th March, 2019

ORAL ORDER:

Heard Mr Kulkarni, learned Counsel appearing on behalf of the
applicant/petitioner.

2. Mr Kulkarni submitted that Writ Petition No.1620 of 2019 is filed
before this Court raising a grievance that the representations submitted by
the applicant/petitioner to the respondent Mahatma Phule Krishi
Vidyapeeth, Rahuri are kept pending without there being any decision on

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these representations. As such, the petitioner was before this Court seeking a direction to the respondent to decide the representations within a stipulated period.

3. Notice was issued by this Court on 8th February, 2019. Mr. Kulkarni then submitted that the petitioner was apprehending some adverse action against him and unfortunately the apprehension came true through order dated 18th February, 2019. Learned Counsel invited our attention to the copy of the order placed on record along with application at Exhibit- CA-2. Perusal of the order shows that the temporary promotion recommended to the applicant / petitioner, as Associate Professor of Farm Power and Machinery is withdrawn from that date and joining of the petitioner to the post of Professor is treated as cancelled. Mr Kulkarni thus prays for amendment to the petition by placing on record order dated 18th February, 2019 and to challenge the same with consequential prayers.

4. Mr Navandar, learned Counsel appearing on behalf of the respondent submitted that the petitioner can avail efficacious remedy of raising challenge to the order if the petitioner is aggrieved by the order dated 18th February, 2019 before competent redressal forum specially constituted and set up for such purpose. Mr Navandar invited our attention to Statute 118 of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Statutes, 1990. There is no dispute that respondent is the Agricultural University. It is also not disputed that the petitioner is an employee of the respondent university. Statute 118 reads thus:

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"Grievance Committee for University employees-

(1) In accordance with the provisions under clause (v) of section 29, the authority to be called as "Grievance Committee for University Employees" shall be constituted with the following members, namely:-

- | | |
|---|--------------------|
| (i) Vice-Chancellor | ... Chairman |
| (ii) Registrar | ... Member |
| (iii) Comptroller | ...Member |
| (iv) Two non-official members of Executive Council nominated by Executive Council | ..Member |
| (v) Deputy Registrar (Establishment) | ..Member-Secretary |

(2) Members of the Executive Council nominated on this committee shall hold office for a period of one year from the date of nomination or the period of membership which expires first.

(3) The Vice-Chancellor shall be the Chairman. In his absence Registrar shall be the Chairman.

(4) It shall work as an appellate authority against the orders passed by the Vice-Chancellor as an original order in respect of Service Rules of the University employees.

(5) To consider individual grievances of the University employees in respect of service matters.

(emphasis supplied)

(6) It shall work as an Advisory body to the Executive Council in respect of Administrative and service matters which may fall within the jurisdiction of the Executive Council."

5. Mr Navandar was justified in making the submission that there is an efficacious remedy available to the petitioner for raising his grievance against the order dated 18th February, 2019 and in view of this fact of

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availability of the competent grievance redressal forum, Mr Kulkarni learned Counsel appearing on behalf of applicant / petitioner prayed before us that the petitioner be permitted to approach the said forum for challenging the order dated 18th February, 2019 or raising grievance against the said order. We see no impediment to permit the petitioner to avail this efficacious remedy. On availment of such remedy, nothing survives either in the application or the petition.

6. Considering the aforesaid facts, the petition is disposed of with a liberty to the petitioner to avail the remedy of approaching Grievance Committee under Statute 118 of the Statutes of 1990, within two weeks from today. The Grievance Committee so constituted under Statute 118 to consider the proceedings as early as possible and not later than twelve weeks from the date of receipt of the proceedings by the committee. The petitioner may submit the proceedings in the form of representation to the Grievance Committee and may also refer to the fact of submission of representations prior to the order dated 18th February, 2019, in the representation which the petitioner would submit before the Grievance Committee.

With aforesaid liberty and directions, Civil Application as well as Petition stand disposed of.

(S.M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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