

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

**39 WRIT PETITION NO.4402 OF 2014**

Dr. Vitthal s/o Marotirao Bhagat,  
Age : 69 Years, Occu : Retired,  
R/o. 42/11, Prashant Nagar,  
Amravati-444606.

**... PETITIONER**

**VERSUS**

1. The Grievance Committee,  
Maharashtra University of  
Health Sciences, Dindori Road,  
Mashrul, Nashik-422004.
2. The President,  
Shetkari Shikshan Prasarak Mandal,  
Gangai Nagar, Ashti,  
Tq. Ashti. Dist. Beed-414203.
3. The Principal,  
Mahesh Ayurved College and Hospital,  
Ashti, Tq. Ashti, Dist. Beed-414203.
4. The Maharashtra University  
of Health Sciences at Nashik,  
through its Vice Chancellor,  
Dindori Road, Mashrul,  
Nashik-422004.

**... RESPONDENTS**

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Mr. Amit A. Mukhedkar, Advocate for Petitioner.  
Mr. Bhaginath T. Bodkhe, Advocate for Respondent Nos.2 and 3.  
Respondent Nos.1 and 4 are served.

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**CORAM : T. V. NALAWADE &  
SUNIL K. KOTWAL, JJ.**

**DATE : 07<sup>th</sup> January, 2019.**

**ORDER:** (Per T. V. Nalawade, J.)

. The proceeding is filed to challenge the order made in Grievance Appeal No.7 of 2010 by Respondent No.1 and for giving direction to Respondents to pay the amount mentioned in the petition with interest at the rate of 12% per annum.

2 Both the sides are heard.

3 It is the contention of the Petitioner that during his tenure as a Principal of the college of Respondent Nos.2 and 3, he was required to spend some money out of his pocket. That amount was even of salary of some staff members. It is his contention that when he was entitled to get back the said amount by way of reimbursement, the employer refused to give that amount. He had approached the Grievance Committee with appeal under Section 53 of the Maharashtra University of Health Sciences Act, but it came to be rejected.

4 This Court has carefully gone through the report prepared by the Grievance Committee on the basis of enquiry. The employer contended that the amount, which was made available by the

employer was only spent by the Petitioner and further no authority was given by the employer to him to spend from his own pocket. It is contended that amount of Rs.18,32,000/- was made available and after making payment of salary of staff, the Petitioner ought to have returned the amount of Rs.10,82,000/- to the institution, but that amount is not returned and the institution is entitled to recover that amount.

5           The Petitioner is relying on some receipts allegedly issued by the staff members to him when the amount was paid to them and they are of the year 2008. The submissions made and record show that admissions were not given to the students for the academic year 2009-2010 and prior to that, in the year 2008-2009, only 12 students were admitted when first affiliation was given in the year 2007-2008. It is the case of the institution that due to negligence and inaction on the part of the Petitioner, the institution could not function and could not make any progress. Thus, the institution was not functioning from the academic year 2009-2010. The report prepared by the Grievance Committee shows that to the aforesaid circumstances and as no record was produced by the Petitioner to substantiate his claim in respect of payment of salary of staff members and as there were

disputed facts and as the matter of discontinuation of affiliation was pending, which was discontinued from the year 2009-2010, the Grievance Committee proposed to dismiss the appeal. In the appeal, it is observed that only the persons, who had grievance in respect of payment of salary etc. could have approached to the Grievance Committee under Section 53 of the Maharashtra University of Health Sciences Act and as the claim was of different kind, the claim was rejected.

6            From the aforesaid circumstances, it can be said that the representation / appeal filed by the Petitioner before the Grievance Committee was misconceived. There are disputed facts of aforesaid nature. There is also question of approval of the staff and everything is denied by the institution. In view of these circumstances and as even the Civil Court could not have entertained the matter in the year 2014 when the present proceeding was filed due to aforesaid circumstances, this Court holds that no relief can be granted in the present proceeding. In the result, the petition stands dismissed.

**[ SUNIL K. KOTWAL, J. ]**

**[ T. V. NALAWADE, J. ]**