

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 789 OF 2010**

Satish Pralhad Bhosale

.....Petitioner.

Vs.

The Shivaji University Kolhapur

.....Respondents.

Mr. S.R. Ganbavale for the Petitioner.

Mr. Amit Borkar AGP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 23rd SEPTEMBER, 2019.****P.C.:-**

The Petitioner has taken exception to the Judgment and Order dated 5th November, 2009, passed by the learned Presiding Officer, Pune/Shivaji University and College Tribunal, Pune (for short, "*the College Tribunal*") in Appeal No. 6 of 2007(S), dismissing the Appeal and confirming the Order of termination of the Petitioner dated 7th March, 2007.

2 Heard Shri. Ganbavale, the learned counsel for the Petitioner and Shri. Borkar, the learned counsel for the Respondents. Perused the record.

3 The record reveals that, the Applicant was appointed as

Assistant Plumber with the Respondent No. 1 University by an appointment letter dated 12th May, 2006. He was on probation for a period of 2 years.

That, the Vice Chancellor i.e. Respondent No.2 of Respondent No.1 University, received a confidential letter from Mr. Suryakant Kadam, alleging corruption in the recruitment process of the staff members of the University. There was a reference to the appointment of the Petitioner in the said complaint and therefore, the Petitioner was called on 26th May, 2006 for the purpose of inquiry. During the course of the inquiry, the Petitioner admitted that, certain persons on behalf of Dr. S.N. Desai, the then Registrar of Respondent No.1 University demanded money from him and the same was accordingly paid. The father of the Petitioner also admitted that, for appointment of the Petitioner, money was paid. However, he has stated that, the same was returned by the concerned persons to him.

4 In view of the serious allegations made against the Officers of Respondent No.1 University, the Respondent No. 1 initiated inquiry into the matter. It is the case of the Respondent No.1 that, the Petitioner did not co-operate with the Respondent No.1 during the said inquiry and made complaint to the Vice Chancellor i.e. the

Respondent No.2 on 23rd February 2007, expressing his apprehension of serious consequences, if he gives evidence in the matter. The record further indicates that, the Petitioner did not give evidence in the Departmental Inquiry against the then Registrar of the University and others and therefore, it was construed as misconduct as contemplated under Sections 41 and 42 of the Standard Code of Conduct of the said University. This is the precise reason, which has been treated by the Respondent No.1 as misconduct and by an Order dated 7th March, 2007, the services of the Petitioner were terminated.

5 The record further indicates that, in furtherance of the letter of Mr. Suryakant Kadam, when the Respondent No.1 conducted inquiry, the Petitioner and his father admitted the fact of getting employment with Respondent No.1 University by influencing the then Registrar. When the Respondent No.1 conducted inquiry into the affairs of the then Registrar of the University, the Petitioner refused to co-operate in the said inquiry. It clearly appears that, the Petitioner has committed misconduct as contemplated under the Rules and Regulations framed by the Respondent No.1 University. The material available on record clearly indicates that, the Respondents were justified in concluding that, the Petitioner was not suitable for

continuation in service.

6 After perusing the entire record, this Court is of the considered view that the College Tribunal has not committed any error either in law or on facts while passing the impugned Order dated 5th November, 2009.

Petition being devoid of merits is accordingly rejected.

(A.S. GADKARI, J.)