

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 909 OF 2015

Dr. Jawad Asgar Khan

... Petitioner.

V/s.

Central Hindu Military Education Society
Nashik – 5 and Ors.

... Respondents.

Mr. Vinamra Kopariha for the Petitioner.

Ms. Nisha Mehra, AGP for the State – Respondent No.6.

Mr. A.J. Kandarkar for Respondent Nos.1 and 3.

Mr. Rui Rodrigues for Respondent No.4.

Mr. Rajendra Anbhule for Respondent No.5.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 27 JUNE 2019.

P.C. :-

The Petitioner was working as an Associate Professor and Head in the Department of Defence and Strategic Studies, Bhonsala Military College, Nashik-Respondent No.2 run by Central Hindu Military Education Society -Respondent No.1.

2. The Petitioner was sanctioned a Research Award on 18 September 2006 by Respondent No.4 -University Grants Commission (Research and Award Bureau). This included 3 years' salary and research grants in a time bound scheme. Respondent Nos.1 - Educational Institute and Respondent No.2 – College, and the Respondent No.4 – the principal of Respondent-College did not implement the Research Award on the ground that College was not a Research Centre. The Petitioner approached the Grievances Committee, University of Pune. Grievance Committee conducted an inquiry, issued notice to the College and the Principal. The Grievance Committee, noting that when application was submitted, the Principal had processed it on the premise that the College is a Research Centre. The Grievance Committee noted that it was surprising that the same Principal was subsequently raising an objection. Accordingly, the Grievance Committee made a recommendation in favour of the Petitioner. The Respondent – Educational Institute and Principal challenged the recommendation of the Grievance Committee in the High Court, and the Petition was dismissed.

3. A Contempt Petition was filed by the Petitioner since the Respondent Nos.1 to 3 did not implement the orders. The Contempt Petition was disposed of with a liberty to the Petitioner to file a Writ Petition regarding non-compliance of the recommendation of the Grievance Committee. Hence the present

Petition.

4. We have heard the learned counsel for the parties.

5. The Grievance Committee of the University had considered the objection of Respondent No.3 regarding the College being not a Centre, an assertion that is again made before us by the Respondent No.3. After considering the entire conspectus, the Grievance Committee had issued the direction and also noted the conduct of the Respondent No.3. The learned counsel for the Petitioner submitted that while the Respondent No.3 could secure benefits of the Research Award, she has maliciously deprived the Petitioner of the same.

6. Today we are left with the situation where the Petitioner has now superannuated on 31 July 2016 and therefore, no effective relief can be granted to the Petitioner. Petitioner has sought damages for the harassment meted out to him by Respondent No.3.

7. We do not find any perversity in the observations made by the Grievance Committee that the bona-fides of the Respondent No.3 – Principal were doubtful. From the order of the Grievance Committee and the material before us it is evident that Respondent No.3 has acted out of malice and destroyed the career chances of the Petitioner. Though we are not inclined, in writ jurisdiction, to

quantify the actual damages, we are of the opinion that costs need to be imposed on the Respondent No.3.

8. We would have imposed substantial costs but, considering the fact that Respondent No.3 is also stated to have superannuated, we direct the Respondent No.3 to pay cost of ₹25,000/- to the Petitioner within six weeks from today. If the amount is not paid by Respondent No.3 to the Petitioner, it will be open to the Petitioner to approach the Collector of the concerned District who will recover the same from Respondent No.3 as if arrears of Land Revenue and pay the same to the Petitioner.

9. Writ Petition is accordingly disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE