

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4466 of 2003

Citizens Education Society
 vs.
Nagpur University and others

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri Anand Parchure, Advocate for the Petitioner.
 Shri P.B. Patil, Advocate for Respondent No.1.
 Shri A.P. Raghute, Advocate for Respondent No.2.*

CORAM : R.K. DESHPANDE & S.M. MODAK, JJ.

DATE : 8th APRIL, 2019.

Respondent No.2, an employee in the service of the petitioner, was terminated from service and he has preferred an appeal before the College Tribunal, which is pending till this date. Shri Raghute, learned Counsel appearing for respondent No.2 submits that one of the grounds raised in the appeal is that there was non-compliance of Statute 53 to the effect that no prior permission of the university was obtained before terminating the services of respondent No.2. The matter can be decided on merits by the College Tribunal.

Shri Parchure, learned Counsel appearing for the petitioner has invited our attention to the communication dated 27/07/2018 issued by the university informing the college that in the absence of prior permission as required by Statute 53 to terminate the services of respondent No.2, immediate action be taken to reinstate him in service.

Respondent No.2 was terminated from service on 01/03/2018. Immediately he preferred an appeal before the College Tribunal, which is pending. In view of this fact, we do not find any occasion for the university to issue such communication, particularly when the College Tribunal is seized with the matter and the question is pending for adjudication.

We, therefore, permit the petitioner to withdraw this writ petition with liberty to raise all such challenges before the College Tribunal and if the decision by the College Tribunal goes against the petitioner, the question of validity of Statute 53 can be raised before this Court, if such occasion arises. Keeping all the questions left open, the writ petition is disposed of as withdrawn.

Civil Application [CAW] No.2574 of 2018 :

In view of disposal of the writ petition as withdrawn, the civil application stands disposed of.

JUDGE

JUDGE

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