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

WRIT PETITION NO. 30/2019

Shri Vishnu S/o Marotirao Mahulkar
..VS..
The Vidarbha Youth Welfare Society & ors.

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders

Court's or Judge's orders

Shri U.J. Deshpande, Adv h/f Shri T.S. Kene, Adv for the petitioner
Shri S.A. Ashirgade, AGP for the respondent no. 4

CORAM : Z.A.HAQ, J.
DATED : 08/01/2019

Heard.

The petitioner – employee has challenged the order passed by the University and College Tribunal, Nagpur dismissing the appeal filed by him and maintaining the order of dismissal of his services. The relevant considerations are found in para nos. 6 and 7 of the impugned order as follows:-

> *"6. Shri Harkare, the learned counsel for the appellant contended before me that there is no proper evidence to hold that the appellant had misbehaved and had consumed liquor on duty. It appears from the evidence recorded by the Enquiry Officer that there was evidence available to suggests that the appellant had consumed liquor and had misbehaved. Particularly, the evidence of PW- 2 Shri Kale and PW-3 Shri Maskar clearly shows that the appellant had consumed liquor and he had even tried to assault Shri Kale as well as one Shri Wankhede. It is also in the evidence that he had abused one Mrs. Jakira Banoo. There is also evidence that he had misbehaved with one of the teacher i.e. Mrs. Tasre. There is therefore, sufficient evidence on record to hold that the appellant had misbehaved under the influence of liquor.*

> *7. Shri Harkare, the learned counsel for the appellant contended that the penalty imposed by the respondents of dismissal is too harsh and the purpose could have been served by imposing penalty of withholding certain increments. The submission cannot be accepted. There is an evidence available on record to suggest that appellant had assaulted two employees and had abused one of the lady employee and he misbehaved with one of the teachers and Principal. The respondents run a Women's College and in Women's College, it would be the duty of the respondents to see that the women pupils are safe in the college. The person with habit of drinking liquor and abusing the people and rushing to assault the people cannot be tolerated in Women's College. The penalty imposed is therefore, not harsh. Therefore, there is no substance in the appeal. The appeal is dismissed. No order as to costs."*

The petitioner has not been able to point out any patent illegality or perversity in the conclusions of the learned Presiding Officer.

I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari