

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

WRIT PETITION NO. 1693 OF 2020

Shon S/o Baburao Tangde and Anr.,
..VS..

The Vice Chancellor/Registrar, Gondwana University, Gadchiroli and Ors.,

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

Court's or Judge's orders

Shri P. W. Wathore, Advocate for the petitioners.
Shri F. T. Mirza, Advocate for the respondent Nos.2 and 3.
Shri Sandeep Marathe, Advocate for the respondent No.1 and 4.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 23rd November, 2020

Heard Shri P. W. Wathore, learned counsel for the petitioners, Shri F. T. Mirza, learned counsel for the respondent Nos.2 and 3 and Shri Sandeep Marathe, learned counsel for the respondent Nos.1 and 4.

2. There is an objection taken by the learned counsel for the respondent nos.2 and 3 regarding non maintainability of this petition as there is available an alternate mechanism available for redressal of grievance made in this petition.

3. Shri Wathore, learned counsel for the petitioners submits that there may be available some alternate mechanism but, it would not preclude the petitioners for approaching this Court, especially when

the petitioners are not being paid any salary. He further submits that in a similar petition being Writ Petition No.3236 of 2014, this Court by an order passed on 07th July 2014, as an interim measure, directed the petitioners to pay an amount of Rs.15,000/- per month to the respondent No.4 therein, who was being deprived of the salary.

4. In the present petition, the prayer is for issuance of direction to respondent No.2 – College and respondent No.3 – Management to comply with the directives issued by the Grievance Redressal Committee of Gondwana University, Gadchiroli dated 26th February, 2020 by releasing the entire salary and arrears from February 2010 to the petitioners, within the stipulated period. According to the petitioners, this direction is not being followed by the respondent No.2.

5. Under Uniform Statute No.1 of 2019, the issue of violation of conditions has been elaborately dealt with. Under Section 2(9) of this statute, the liability for taking disciplinary action has been created in the affiliated college and recognized institutions or its management, when the college or its management neglects to implement or fails to comply with the decision of the Grievance Redressal Cell of the University. Under Section 3, provision for imposition of penalty has also been made. It is thus clear that there is efficacious alternate remedy available for the petitioners

for redressal of their grievance regarding non implementation of the direction of the Grievance Redressal Committee and, therefore, the petitioners ought to have resorted to that remedy first before approaching this Court. The petitioners, instead of taking recourse to the alternate remedy, have filed this petition virtually treating this Court as an executing Court for the implementation of directions given by the Grievance Redressal Committee. This is not permissible under the law and therefore, as rightly submitted by learned counsel for the respondent Nos.2 and 3 this petition is not maintainable at law.

6. As regards the prayer of the learned counsel for the petitioners that similar interim relief as granted to respondent No.4 in Writ Petition No.3236 of 2014 be also granted to the petitioners in the present petitioners, we do not find that the petitioners would be entitled to get any such relief for the reason that the petitioners have, inspite of knowing about availability of alternate remedy, chosen to knock at the doors of this Court, which is not permissible under the law. When the petition itself is not maintainable at law, this Court cannot consider granting of any interim relief to such petitioners. In the case to which reference has been made by the learned counsel for the petitioners, the facts were quite different. That petition was filed, not by the employees who were aggrieved by non payment of the salaries, but by the management of the college against

whom certain directions were given by the Grievance Redressal Committee and in that context, this Court passed an order granting interim relief regarding payment of an amount of Rs.15,000/- per month for the period for which the respondent No.4 actually rendered his service. Such are not the facts of the present case and that the petitioners themselves are the affected employees.

7. In the result, the prayer for grant of interim relief is rejected and the petition is dismissed as not maintainable. No costs.

JUDGE

JUDGE

Kirtak