

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

WRIT PETITION NO. 2181 OF 2020

Poonam Ramesh Lonkar @ Poonam w/o Jayant Mankar

vs.

Nehru Education Society thr. its President, Yavatmal and others

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

Court's or Judge's orders

Shri. M. M. Sudame, with Shri. A. M. Sudame and Smt. Archita M.
Sudame counsel for petitioner.
Shri. S. M. Ukey, AGP for respondent No.3.

CORAM : MANISH PITALE J.

DATED : 08/09/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the petitioner.

3. By this writ petition the petitioner has challenged order dated 15/06/2020 passed by the University and College Tribunal, Nagpur, whereby application for interim relief filed by the petitioner has been rejected by the Tribunal.

4. The petitioner herein has filed an appeal before the Tribunal which is pending, wherein she has challenged notice/order of termination of her service

dated 16/03/2020. In the appeal exhaustive grounds have been raised, including an allegation of bias against the Enquiry Officer, while demonstrating that the notice/order of termination deserves to be set aside. The appeal is pending before the Tribunal and in the said pending appeal, the aforesaid application for interim relief was moved.

5. By the impugned order, the Tribunal has taken note of the fact that the petitioner was charge sheeted, she participated in the enquiry and examined witnesses in her defence and it was thereafter that the enquiry was completed and on the basis of the report of the Enquiry Officer, notice/order of termination of service was issued against the petitioner. The Tribunal has found that the contentions raised on behalf of the petitioner, while pressing the application for interim relief, including the contention that the Enquiry Officer was biased, are contentions that can be considered only on merits on a fulfilled hearing of the appeal and that therefore, no ground has made out for grant of interim relief.

6. The learned counsel appearing for the petitioner has invited attention of this Court to the observations made by the Tribunal that grant of interim relief as sought by the petitioner would amount to grant of final relief, which was impermissible. Reference made to the judgment of the Hon'ble Supreme Court in the case of **Deoraj vs. State of Maharashtra and others, 2004**

(3) **Mh. L.J. 343**, in the impugned order has also been emphasized upon by the learned counsel for the petitioner, to contend that the ratio of the said judgment has been misread by the Tribunal, while rejecting interim relief.

7. According to the learned counsel for the petitioner, when a strong prima facie case was made out by the petitioner and she obviously would suffer grave and irreparable loss, if interim relief was not granted, the Tribunal ought to have allowed the application for interim relief. This Court has considered the aforesaid contention raised on behalf of the petitioner. The crucial aspect regarding strong prima facie case and grave irreparable loss to be suffered by the petitioner may not have been specifically stated in the impugned order passed by the Tribunal, but a reading of the impugned order does show that the Tribunal has appreciated that the notice/order of termination of service passed against the petitioner was based on an exhaustive enquiry in which the petitioner duly participated and also examined witnesses in her defence. It appears that the drift of the impugned order passed by the Tribunal is that in the face of the material available before the Tribunal it cannot be said that the strong prima facie case for grant of interim relief was made out by the petitioner.

8. This Court does not find any specific error in the impugned order passed by the Tribunal and therefore, no case is made out for exercise of writ

jurisdiction in the present case. Nonetheless the concern of the petitioner that the appeal before the Tribunal deserves to be decided at an early date, is justified, particularly because she has been an employee with the contesting respondent for about 23 years before termination of her service.

9. In view of the above, writ petition is dismissed.

10. The Tribunal is directed to make an endeavor to dispose of the appeal filed by the petitioner expeditiously and in any case within a period of **six months** from the date the petitioner next approaches the Tribunal.

JUDGE