

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO.3938 OF 2020

**DR MOHAN VAIJANATHRAO BUKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. P.V. Barde h/f Mr. Jethliya Dhiraj R.
AGP for Respondent No.1 : Mr. S.B. Yawalkar
Advocate for Respondent No.2 : Mr. C.V. Dharurkar
Advocate for Respondent No.4 : Mr. P.R. Katneshwarkar h/f Mr. S.S.
Rathi

...
**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 23rd SEPTEMBER, 2021

PER COURT:-

1. On the oral request of the learned advocate for the petitioner, that he had inadvertently deleted respondent no.2 – All India Council For Technical Education and the prayer for recalling of the same, we accept the oral request. We recall the order dated 28.07.2021 permitting the deletion. Shri Dharurkar, the learned advocate has already caused an appearance on behalf of respondent no.2.

2. After this matter was heard for sometime, the learned advocate for the petitioner submits, on instructions, that the petitioner has raised a grievance before respondent no.3 - University, which has not caused appearance in this Court despite service of Court notice. Reminder-1 with regard to said grievance is at page no.50. The said document is a print out of an e-mail dated 06.01.2020. The payments

due, as per the petitioner, are set out in the said mail. Though the grievance of the petitioner can be considered under Section 57 of the Maharashtra Public Universities Act, 2016, respondent no.3 has still not taken up the grievance before the Grievance Redressal Cell. The petitioner would, therefore, pursue the said grievance and the University be directed to adjudicate on the grievance within a time frame.

3. In view of the above, this petition is disposed off as withdrawn, on instructions. We expect respondent no.3 – University to issue notices to the parties on the pending grievance raised by the petitioner, Reminder-1 of which is dated 06.01.2020 at page no.50 of the petition paper book and conclude the said proceedings in accordance with the due procedure laid down in law, within a period of 3 months from the date of appearance of the parties. We expect issuance of notices and service, therefore, on the litigating parties, by the end of October, 2021.

4. As the petitioner has raised the issue of gratuity under the Payment of Gratuity Act, 1972, for which the statutory remedy is to approach the controlling authority as prescribed in law, we leave the said issue open, in which event, the time spent by the petitioner in this Court from 03.03.2020 till passing of this order would be a ground for condonation of delay.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)

Mujaheed//