

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

WRIT PETITION NO. 6636 OF 2021

Prof. Dr. Mahendrakumar Supdu
Pagare .. Petitioner

Versus

Vice Chancellor (Acting) Kavyatri
Bahinabai Chaudhari North
Maharashtra University and others .. Respondents

Shri R. S. Deshmukh, Senior Advocate i/by Shri Rahul O
Awasarmol, Advocate for the Petitioner.

Shri A. B. Girase, Advocate for Respondent Nos. 1 and 2.

Shri N. S. Tekale, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 05TH OCTOBER, 2021.

FINAL ORDER :

. We have heard Mr. R. S. Deshmukh, the learned senior advocate for the petitioner at length and Mr. Girase, the learned advocate for respondent Nos. 1 and 2/university.

2. Mr. Girase, the learned advocate for the university raises an objection that, the petitioner has efficacious remedy U/Sec. 81 of the Maharashtra Public Universities Act, 2016 (for short “Act of 2016”).

3. Mr. Deshmukh, the learned senior advocate for the petitioner submits that, it is not a case of removal of the

petitioner from the post, nor of termination or dismissal so as to invoke jurisdiction U/Sec. 81 of the Act of 2016.

4. In that case, it is submitted by the learned advocate for the respondent Nos. 1 and 2 that, the petitioner would have remedy U/Sec. 79 of the Act of 2016. The Grievance Committee is functioning according to the learned counsel for the respondents.

5. The provision of Section 79 and 81 of the Act of 2016 would cover the entire gamut of the dispute of the teachers and the employees, except the grievance against the Government and its officials.

6. In the present matter, if according to the petitioner Section 81 of the Act of 2016 cannot be invoked, then in that case Section 79 of the Act of 2016 would be applicable.

7. In view of the aforesaid, we are not entering into the merits of the contentions. The writ petition is disposed of with liberty to the petitioner to avail the alternate remedy. In that event all contentions are kept open. The forum where proceedings would be filed shall consider the time spent in prosecuting the present writ petition. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]