

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3599 OF 2019
WITH
INTERIM APPLICATION NO. 880 OF 2021
AND
INTERIM APPLICATION NO. 3609 OF 2019**

Vikrant Bhausa Pawar	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr. Sushant S. Prabhune for the Petitioner.
Ms. K. N. Salunke, AGP for the Respondent / State.

**CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.**

DATE : 31 March 2021

P.C.

. The Petition was filed on 21 December 2018, wherein two reliefs were sought. First, direction to the Respondents to pay the salary and secondly, to declare that inquiry instituted against the Petitioner/teacher by the management is illegal and the Respondents be restrained from proceeding with the inquiry.

2. It is informed that during the pendency of the Petition, the inquiry is completed and Petitioner stands terminated. Since the

Petitioner and Respondents/ Institution are governed by the provisions of the Maharashtra Universities Act 1994, the petitioner has a remedy of approaching the Tribunal under the said Act against the order of termination. Since the alternate remedy is available, this Writ Petition need not be entertained.

3. The learned counsel for the Petitioner states that the Petitioner has not been paid salary from 17 December 2008 to 11 April 2018 and from 11 April 2018 i.e. date of reinstatement till 15 December 2020 till the date of termination. The learned counsel states that as far as the period between 17 December 2008 to 11 April 2018, a Miscellaneous Application No. 02/2018 is filed before the University and College Tribunal, Pune and relief will be sought in those proceedings. If it is a case of the Petitioner that Respondents / Institution has committed contempt by not reinstating and paying salary, the same contention would apply even for period between the date of reinstatement and termination, as the Petitioner's case is that the order of Tribunal was reinstatement and payment of salary. Therefore, even for period between 11 April 2018 till 15 December 2020, the Petitioner can apply before the College Tribunal.

4. Writ Petition is accordingly disposed of.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)