

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3005 OF 2021

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Dr.Tanaji Narayan Kolekar

..... Petitioner

VERSUS

Mrunalini Milind Fadnavis & Ors.

..... Respondents

ALONGWITH

WRIT PETITION NO. 1117 OF 2021

Dr.Tanaji Narayan Kolekar

..... Petitioner

VERSUS

Punyashlok Ahilyadevi Holkar

Solapur University & Ors.

..... Respondents

ALONGWITH

INTERIM APPLICATION NO. 1454 OF 2021

IN

WRIT PETITION NO. 1117 OF 2021

The Principal,

Damani Bhairuratan Fatechand Dayanand

College of Arts and Science & Anr.

..... Applicants

IN THE MATTER BETWEEN

Dr.Tanaji Narayan Kolekar

..... Petitioner

VERSUS

Punyashlok Ahilyadevi Holkar

Solapur University & Ors.

..... Respondents

Mr.Narendra V.Bandiwadekar, i/b. Mr.Milind Deshmukh for the
Petitioners in both the writ petitions.

Mr.Vijay Killedar for the Applicant in IA/1454/2021 and for the
Respondent nos. 3 and 4 in both the writ petitions.

Mr.N.K.Rajpurohit, A.G.P. for the State in WP/3005/2021.

Mrs. P.N.Diwan, A.G.P. for the State in WP/1117/2021.

Mr.Prasad P.Kulkarni for the Respondent nos. 1 and 2 in both the writ petitions.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 22nd NOVEMBER, 2021

P.C:-

In Writ Petition No. 1117 of 2021, the petitioner has impugned the order dated 1st April, 2021 passed by the respondent no.1. In Writ Petition No. 3005 of 2021, the petitioner has impugned the letter dated 10th June, 2021 issued by the respondent no.1.

2. Learned counsel for the University tendered a letter dated 21st August, 2021 addressed to the management and would submit that the University has already withdrawn the impugned order dated 1st April, 2021 and the impugned letter dated 10th June, 2021 and nothing survives in this writ petition.

3. Mr. Bandiwadekar, learned counsel for the petitioner however would submit that in the letter dated 21st August, 2021 addressed to the Principal of D.B.F.Dayanand College Arts and Science, the University though has purported to have withdrawn the order dated 1st April, 2021

and the letter dated 10th June, 2021 on technical ground has reserved the right to take any action afresh in accordance with law. He tendered a copy of the notice dated 26th October, 2021 issued by the University issuing show cause notice to the petitioner proposing to initiate various actions against the petitioner with a direction to respond to the said show cause notice on or before 30th October, 2021. He submits that this action on the part of the respondent no.1 University is also without jurisdiction and has been issued with malafide intention. In view of the pendency of these two petitions, the petitioner did not give response to the said show cause notice till date.

4. Learned counsel also invited our attention to the order dated 9th April, 2021 passed by the Division Bench of this Court in Writ Petition No.1117 of 2021 making it clear that if the respondent nos. 2 and 3 proceed to give effect to the coercive order/ direction issued by the respondent no.1 University on 1st April, 2021 in respect of the petitioner, they shall first seek leave of this Court. He submits that the impugned action of issuing show cause notice dated 26th October, 2021 is also without jurisdiction and is malafide.

5. In view of the fact that the University has withdrawn the order dated 1st April, 2021 and letter dated 10th June, 2021, in our view nothing survives in this writ petition.

6. Insofar as show cause notice dated 26th October, 2021 issued by the University is concerned, the petitioner would be at liberty to give response to the said show cause notice within four weeks from today. The petitioner may raise issue of jurisdiction of the University to issue such show cause notice and also on merits.

7. The University to decide the said show cause notice including issue of jurisdiction, if raised by the petitioner within a period of four weeks from the date of the petitioner filing reply to the said show cause notice and shall serve a copy of the said order upon the petitioner within one week from the date of passing such order. It is made clear that if the order is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings. In that event, the University shall not take any coercive steps against the petitioner to implement the said adverse order, if any, for a period of three weeks from the date of communication of the said order.

8. Both these writ petitions are disposed of as infructuous with aforesaid directions. *Ad-interim* relief granted earlier stands vacated. No order as to costs.

9. The parties to act on the authenticated copy of this order.

10. In view of the disposal of these two writ petitions, Interim Application No. 1454 of 2021 filed by the applicant would not survive and is accordingly disposed of. No order as to costs.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]