

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

WRIT PETITION NO. 6818 OF 2014

Smt. Pratibha Vasantrya Sangle ...Petitioner
V/s.
The Principal, K.V.N. Naik Shikshan
Prasarak Sanstheche Arts, Commerce &
Science College & Ors. ...Respondents

**WITH
WRIT PETITION (ST) NO. 18132 OF 2015**

Krantiveer Vasantrya Narayanrao Naik
Shikshan Prasarak Sanstha, Nashik ...Petitioner
V/s.
Smt. Pratibha Vasantrya Sangle & Ors. ...Respondents

Mr. N. V. Bandiwadekar a/w. Mr. P. P. Himgire for the Petitioner
in WP 6818/2014 and Respondent No.1 in WPST 18132/2015.

Mr. Sandeep Dilip Shinde for the Petitioner in WPST
18132/2015 and Respondent No.4 in WP 6818/2014.

Mr. Ravindra Anbhule for the Respondent No.7 in WP
6818/2014 & Respondent No.5 in WPST 18132/2015.

Mr. N. C. Walimbe, AGP for the Respondent / State.

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

DATE : 17 March 2021

P.C.

. Heard the learned counsel for the parties. Both these petitions are arising from the same impugned order and they are disposed of by this common order.

2. Writ Petition No.6818/2014 is filed by the Petitioner Smt. Pratibha Vasantrao Sangle seeking implementation of the order passed by the Grievance Redressal Committee on 12 October 2013 and accepted by the Management Council on 25 January 2014. Writ Petition (ST) No.18132/2015 is filed by the Krantiveer Vasantrao Narayanrao Naik Shikshan Prasarak Sanstha, Nashik challenging the order dated 12/10/2013. The main petition would be WPST No.18132/2015 since it challenges the order dated 12 October 2013.

3. Smt. Pratibha Sangle was working with Krantiveer Vasantrao Narayanrao Naik Shikshan Prasarak Sanstha. She made a complaint that inspite of she being entitled to be promoted from the post of Junior Clerk to Senior Clerk, she was not being promoted. Her grievance was looked into by the Grievance Redressal Committee established under the Maharashtra Universities Act 1994. Five other employees also made an application that they should be promoted as Senior Clerk. The Grievance Redressal Committee gave an opportunity

to all the interested parties. The record was submitted by the Institution before the Committee and hearing was conducted on various dates. The Committee found that Smt. Sangle was the senior most and therefore was entitled to be promoted. This order is challenged by the Institution.

4. The learned counsel for the Institution submitted that the record would show that Smt. Sangle actually joined service in the year 2001 and there was no record of her working from 25 January 2000 to 1 July 2001. The learned counsel submitted that the order of the Grievance Redressal Committee needs to be set aside.

5. The Petitioner Institution has invoked writ jurisdiction of this Court which is not an appeal from the recommendation of the Grievance Committee. The Grievance Committee, after examining the record and relying on the record such as Attendance Register found that the other rival candidates were junior to Smt. Sangle and upon this factual finding the recommendation was made. The Petitioner Institution has not challenged the order dated 25 January 2014 passed by the Management Council accepting the report of the recommendation of the Grievance Committee.

6. It is further pertinent to note that the other aspirants are not before us challenging this order. The learned counsel for the Petitioner Institution submits that as per his instance the writ petitions filed by the other aspirants were dismissed in default somewhere in 2014. The learned counsel representing Smt. Sangle states that Smt. Sangle has not received any notice of any petition challenging this order by the other aspirants. Thus, the orders / recommendation of the Grievance Committee is only challenged by the Petitioner Institution and none else. Considering that the Grievance Committee has looked into the factual aspects and the fact that it is only the Petitioner Institution which is questioning the said order and there is no challenge by the affected parties, we do not find that case for exercise of the writ jurisdiction to interfere with the recommendation of the Grievance Committee as accepted by the Management Council, is made out.

7. In such circumstances, Writ Petition (ST) No.18132/2015 is liable to be rejected and Writ Petition No.6818/2014 required to be allowed directing the Respondents / Institution to implement the recommendation of the Grievance Committee as accepted by the Management Council. Hence, following order.

ORDER

1. Writ Petition (ST) No. 18132/2015 is rejected.
2. In Writ Petition No. 6818/2014, Respondents are directed to implement the orders passed by the Management Council dated 25 January 2014 accepting the recommendation of the Grievance Redressal Committee dated 12 October 2013, within eight weeks.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)