

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 181 OF 2018

Asha Shamrao Ingawale ... Petitioner

Versus

Shivaji University & Ors. ... Respondents

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Mr. Sanjiv Sawant i/b Mr. Abhishek P. Deshmukh for the Petitioner.

Mr. R.S. Khadapkar for Respondent No.1.

Mr. K.S. Bapat i/b Mr. M.V. Limaye for Respondent Nos.2 and 3-Institution.

Ms. Kavita N. Solunke, A.G.P for the State -Respondent Nos.4 and 5.

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**CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.**

DATE : 12th JULY, 2021.
(V.C.)

P.C. :-

1 Heard learned Counsel appearing for the parties.

2 Rule. Learned Counsel appearing for the Respondents,
waives service. By consent of the parties heard finally.

3 By this Petition filed under Article 226 of the Constitution of
India, the Petitioner seeks an order and directions against the

Respondents to implement the order dated 27.03.2008 passed by the Grievance Committee, Shivaji University, Kolhapur and further seeks an order and directions against Respondent Nos.2 and 3 to send the appropriate approval pursuant to the order dated 27.03.2008 passed by the Grievance Committee of Respondent No.1-University, thereby giving all service benefits to the Petitioner from the date of her appointment i.e. from 30.10.2001.

4 It is brought to our notice that the recommendation made by the Grievance Committee of Respondent No.1-University had been challenged by the Management by filing a Civil Suit. The said Civil suit has been dismissed. An appeal arising out of the said decree, also has been dismissed.

5 Mr. Bapat, learned Counsel appearing for Respondent Nos.2 and 3 on instructions, states that his clients would send a proposal for an appropriate approval pursuant to the said order dated 27.03.2008 passed by the Grievance Committee of Respondent No.1-University and according to the steps taken by the Management in the letter dated 11.10.2013 (annexed at page 86 of the Writ Petition), within four weeks from today to the Respondent Nos.4 and 5. Statement is accepted.

6 If any such proposal is made, Respondent No.4 to consider such proposal expeditiously in accordance with law and not later than three months from the date of the first hearing.

7 Respondent No.4 shall grant personal hearing to the Petitioner as well as Respondent Nos.2 and 3 before passing any order on such proposal made by Respondent No.2 and 3. The Petitioner as well as Respondent Nos.2 and 3 shall appear before Respondent No.4 on 20.07.2021 at 11.00 a.m. It is made clear that if the date assigned by this Court is not convenient to Respondent No.4, an early convenient date shall be communicated to both the parties by Respondent No.4.

8 The order that would be passed by Respondent No.4 shall be conveyed to the petitioner as well as Respondent Nos.2 and 3 within one week from the date of passing of the order.

9 In view of this order, Mr. Sawant learned Counsel for the Petitioner does not press for prayer clause (a) at this juncture. Statement is accepted.

10 It is made clear that if the order that would be passed by Respondent No.4 is against the Petitioner or Respondent Nos.2 and 3

and also Respondent No.1, the aggrieved party would be at liberty to file appropriate proceeding.

11 If the order that would be passed is against the Petitioner, the Petitioner at that stage would have liberty to press for prayer clause (a) also in the fresh proceeding.

12 It is made clear that this Court has not expressed any view on the merits of the matter. All contentions of the parties are kept open.

13 Petition is disposed of in aforesaid terms. Rule is made absolute accordingly.

14 No order as to costs.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)