

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1423 OF 2021

(ASHISH GOPAL GAWANDE...VS..THE VICE CHANCELLOR, RTM, NAGPUR UNIVERSITY & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ninad W. Almelkar, Advocate for Petitioner.
Shri Nahush S. Khubalkar, Advocate for Respondent Nos.1 & 2.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : SEPTEMBER 17, 2021.

1. Heard.
2. A Preliminary Objection has been taken by the respondents on the ground that alternate remedy in the nature of representation to be made to the Grievance Committee under Section 179 or an appeal to be filed before the College Tribunal in terms of Section 81 of the Maharashtra Universities Act, 2016 is available because the petitioner falls within the ambit of the term "other employees".
3. The objection cannot be accepted for the reason that in the reply filed by the respondents, the respondents have taken a specific stand that the petitioner does not have any right vested in him as his appointment was temporary and contractual in nature. The moment such a stand is taken in the reply to this petition by the respondents, the respondents cannot say

that the petitioner is just like “other employee” of the University so as to be relegated to the alternate remedies available under the law. The respondents either have to concede the position that the petitioner is indeed in the category of “other employees” of the University or is beyond that category, he being the ‘temporary’ or ‘contractual employee’.

4. The learned counsel for the respondents, however, does not clearly accept the position that for all purposes the petitioner should be treated as an employee of the University and therefore, deserving a hearing by the alternate grievance redressal Authorities.

5. That being so, we find that there is no merit in the objection taken and therefore, the objection is **rejected**.

6. Now, the petition shall be heard finally on its own merits.

(ANIL S.KILOR,J)

(SUNIL B. SHUKRE,J)