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

WRIT PETITION NO. 2964 OF 2020

PETITIONERS :-

1. Shri. Samarth Shikshan Sanstha, Aheri, through its Secretary, Swapnil Vasantrao Dontulwar, Office at Vasant Vaibhav Teachers Colony, Ballarpur, Dist. Chandrapur.

2. Dr. Chakradhar Ankush Nikhade, aged 60 yrs, occup. Service, r/o Sai Nagari, Gondpipri,Tal.Gondpipri,Dist.Chandrapur

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra through its Secretary, Department of Higher and Technical Education, Mantralaya, Mumbai-32.

2. The Director of Higher Education,State of Maharashtra, Central Building, Pune-1

3. The Joint Director of Higher Education, State of Maharashtra, Civil Lines, Nagpur.

4. Gondwana University, Gadchiroli through its Registrar, M.I.D.C, Complex, Gadchiroli, Dist.Gadchiroli.

Mr.B.G.Kulkarni,counsel for the petitioners.
Mr.N.R.Patil,AGP for respondent Nos.1 to 3.
Mr. S.Marathe,counsel for respondent No.4.

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

DATE : 25.08.2021.

O R A L J U D G M E N T (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3 Learned counsel for respondent No.4 submits, on instructions that the Gondwana University, is agreeable to refer the case of the petitioner for re-appointment as the Principal of the College, after expiry of his first tenure of five years to peer Review Committee/ similar Selection Committee.

4. The impugned communication dated 14.02.2020 takes the objection that the second term of the petitioner as Principal of the College, being in the nature of re-appointment could not have been allowed by the University or the College without there being any suitable recommendation regarding re-

appointment made by peer Review Committee/similar Selection Committee as per the UGC regulations on minimum qualifications for appointment of teachers and other academic staff in the Universities and Colleges and measures for the Maintenance of Standards in Higher Education, 2010 modified on 11.07.2016. Now that since the University is ready for referring the case of the petitioner to the peer Review Committee, we are of the view that the imbroglio which has developed after issuance of the impugned communication dated 14.02.2020 would be hopefully resolved and this would substantially serve the purpose of this petition. Of course, it may happen that question of payment of salary, would arise, eventually, but if it does arise, it could also be taken care of by issuing appropriate directions, if the need arises.

5. In this view of the matter, we dispose of the Writ Petition in terms of the statement made before us by Shri. Marathe, learned counsel for the respondent No.4 upon receiving instructions from the Gondwana University and accordingly, we direct the University to refer the case of the petitioner regarding re-appointment of second term to peer Review Committee, for its

appropriate recommendation/decision in the matter. We further direct that the decision of the peer Review Committee shall be communicated to the University and respondent No.3.

6. We further direct that in case, peer Review Committee recommends re-appointment of the petitioner as Principal for the second term of five years, such recommendation shall be accepted by respondent No.2 and in that case, the approval shall relate back to the date from which the second term of five years of the petitioner as Principal of the College commenced, which is, 24.09.2018.

Rule accordingly. No costs.

(ANIL S. KILOR,J) (SUNIL B. SHUKRE,J)

Kavita