

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

(I) WRIT PETITION NO.7862 OF 2019

Dr. Shri Vijaykumar Bhaiyaji Khandate,
aged about 56 years, occupation :
nil, r/o Vidya Nagar, Brahmapuri.

... Petitioner

- Versus -

- 1) Kai. Vithobaji Aamle Aadiwasi
Shikshan Sanstha, Brahmapuri,
District Chandrapur.
- 2) The Teachers and Staff Grievances
Redressal Committee, through
its Chairman, having its Office
at MIDC Road Complex, Gondwana
University, Gadchiroli.

... Respondents

Smt. S.P. Giratkar (Giripunje), Advocate for petitioner.

Shri A.M. Sudame, Advocate for respondent no.1.

Respondent no.2 served.

(II) WRIT PETITION NO.7898 OF 2019

- 1) Dr. Shri Sanjay Prabhakar Harshe,
aged about 61 years, occupation :
nil, r/o Dyaneshwar Nagar,
Wadsa Naka, Brahmapuri,
District Chandrapur.

- 2) Shri Bhalchandra Jagannath Nakade,
aged about 60 years, occupation :
retired, r/o Samata Colony,
Tilak Nagar, Brahmapuri,
District Chandrapur.
- 3) Shri Prakash Tatyaji Dhenge,
aged about 46 years,
occupation : nil, r/o Shanti Nagar,
Brahmapuri, District Chandrapur.
- 4) Shri Ganesh Haribhau Khandait,
aged about 45 years, occupation :
nil, r/o At Post Kurkheda,
Tahsil Kurkheda, District
Chandrapur.
- 5) Shri Nawalaji Maroti Dhote,
aged about 52 years,
occupation : nil, r/o Tilak Nagar,
Brahmapuri, District Chandrapur.
- 6) Shri Charandas Kevalram Khobragade,
aged about 41 years, occupation :
retired, r/o Chikhalgaon,
Post Hardoli, Brahmapuri,
District Chandrapur.

... Petitioners

- Versus -

- 1) Kai. Vithobaji Aamle Aadiwasi
Shikshan Sanstha, Brahmapuri,
District Chandrapur.
- 2) Dr. Shri Vijaykumar Bhaiyaji
Khandate, aged 56 years,
occupation : nil, r/o Vidya Nagar,
Brahmpuri.
- 3) The Teachers and Staff Grievances
Redressal Committee, through

its Chairman, having its Office
at MIDC Road Complex, Gondwana
University, Gadchiroli.

... Respondents

Smt. S.P. Giratkar (Giripunje), Advocate for petitioners.

Shri A.M. Sudame, Advocate for respondent no.1.

Respondent nos.2 and 3 served.

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

DATED : AUGUST 6, 2021

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Heard Smt. Giratkar, learned Counsel for the petitioners, and
Shri Sudame, learned Counsel for the respondent no.1.

2) Rule, returnable forthwith. Heard finally by consent of the
learned Counsel appearing for the parties.

3) There is an objection taken to the maintainability of these
petitions on the ground that the order of the Grievances Redressal
Committee was obtained by the petitioners and the original
applicants in collusion with each other and that the original
applicants have not approached this Court with a grievance that the

order of the Grievances Redressal Committee is not being implemented.

4) The objection is not sustainable as the original applicants before the Grievances Redressal Committee have also filed a petition being Writ Petition No.7898/2019 seeking direction to the respondent no.1 to implement the order dated 16/3/2019 passed by the Grievances Redressal Committee.

5) As regards the other dimension of the objection that there was collusion between petitioner in Writ Petition No.7862/2019, who was Principal of the College and other applicants, we are of the view that it also does not survive for the simple reason that no challenge whatsoever has been made to the order dated 16/3/2019 passed by the Grievances Redressal Committee and that order now has attained finality. The preliminary objection is, therefore, rejected.

6) There is also another objection in allowing these petitions taken on behalf of respondent no.1. The objection is that the order dated 16/3/2019 allows payment of arrears for the period, which was hit by the bar of limitation. This objection, to a limited extent, may be correct. But again, the question remains that the order

dated 16/3/2019 has attained finality, meaning thereby that the respondent no.1 has accepted the order in its entirety. The consequence, therefore, would be that the respondent no.1 has voluntarily suffered the finality of the order dated 16/3/2019 and, therefore, one does not understand as to on what ground now, it would seek to retract from the position that it has adopted so far. At the most, the respondent no.1 may with the intervention of the concerned Authorities including Registrar of Gondwana University, Gadchiroli sort out the issue regarding right of the Teachers to claim arrears of salary for the period, which is barred by limitation. In any case, now it would be for the University to look into the matter and sort out the modalities for implementation of the order dated 16/3/2019.

7) In view of the above, we direct the Registrar, Gondwana University, Gadchiroli to look into the matter and work out the modalities, according to which and the period for and within which the order dated 16/3/2019 passed by the Grievances Redressal Committee be implemented. This exercise be undertaken by the Registrar as expeditiously as possible, preferably within three months from today. The petitions are allowed accordingly.

- 8) Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

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