

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

WRIT PETITION NO.7442 OF 2018

Rajendra S/o Gopalrao Ghodmare, ITI Road, Arvi Naka, Wardha

-vs-

Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya, Thr. Its Registrar, Hindi
Vishwavidyalaya Gandhi Hills, Wardha

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Ayushi Dangre, Advocate for petitioner.
Shri A. C. Dharmadhikari, Advocate for respondent.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : December 13, 2021

P.C.

Rule. Heard finally with consent of learned counsel for the parties.

The challenge raised in this writ petition is to the order of termination dated 05/09/2018 that was issued to the petitioner by the respondent. It is the case of the petitioner that he was engaged as a Security Officer at the respondent-University since 11/12/2009. Various orders of appointment were issued to him but after giving temporary breaks in service. The last such order of appointment is dated 28/02/2018 which was to operate till 22/02/2019. On 15/08/2018 a show cause notice was issued to the petitioner seeking his clarification about an incident that occurred on 15/08/2018. The petitioner submitted his reply on 17/08/2018. However his services were put to an end by an order dated 05/09/2018. Being aggrieved the petitioner has filed the present writ petition.

After hearing the learned counsel for the parties it is seen that the respondent is governed by the Mahatma Gandhi Antarrashtriya

Hindi Vishwavidyalaya Act, 1996 (for short, the said Act). As per Section 32(2) therein, on any dispute arising out of the contract of employment between the University and any employee, the matter has to be referred to a Tribunal of Arbitration and such decision has been made final.

We find that the facts raised in the writ petition would require adjudication of certain disputed questions and hence we are inclined to relegate the petitioner to the remedy provided under Section 32(2) of the said Act. Accordingly the following order is passed :

The present writ petition is treated as a request by the petitioner seeking reference to the Tribunal of Arbitration under Section 32(2) of the said Act.

Within a further period of fifteen days the petitioner as well as respondent shall appoint their representatives after which the Visitor shall appoint an umpire. The proceedings be conducted in terms of Section 32 of the said Act as well as Statute 39 framed by the University in accordance with law.

We note that on 10/12/2018 while issuing notice on the writ petition, it was directed that the appointment if any made during pendency of the writ petition would be subject to final adjudication of the proceedings. The Arbitral Tribunal shall take into account this interim order dated 10/12/2018.

Keeping all questions raised in the writ petition open, the writ petition is disposed of in aforesaid terms. No order as to costs.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)