

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5138 OF 2022

**VEDCHANDRA DIGAMBAR GAWALE
VERSUS
KAVIYATRI BAHINABAI CHAUDHARI THROUGH ITS REGISTRAR AND
OTHERS**

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Advocate for Petitioners : Mr. Ramesh I. Wakade
Advocate for Respondent No.1 : Mr. Y. B. Bolkar
Advocate for Respondent Nos.3 and 5 : Mr. Vasant B. Patil
Advocate for Respondent No.4 : Mr. Abhinay D. Khot
. . .

CORAM : MANGESH S. PATIL, J.

DATED : 08 JUNE 2022

PER COURT :

- . Heard.
2. Rule. Rule is made returnable forthwith. With the consent of the parties, the matter is heard finally at the stage of admission.
3. The petitioner is the appellant before the University and College Tribunal. He had filed an application seeking liberty to produce rejoinder. By the order under challenge the tribunal has rejected the application on the sole ground that it being an appeal there was no question of any rejoinder being filed, albeit, the provisions of the Code of Civil Procedure as are applicable to the appeals are applicable to the proceedings before the tribunal by virtue of section 82 of the Maharashtra Public Universities Act, 2016.

4. Learned advocate for the petitioner submits that along with the replies the respondents had filed several documents and the petitioner merely wanted to controvert the statements in the reply by filing the rejoinder.
5. Without going into the academic as to if the University and College Tribunal is empowered to allow a party to file a rejoinder, the purpose would be served if the petitioner is permitted to file whatever affidavit he wants to along with the documents, more so, since the appeal has now ripe for final hearing and the respondents are contending that the petitioner is prolonging the matter as interim relief is operating in his favour. To obviate any further delay the aforementioned course would serve the interest of justice.
6. The writ petition is partly allowed.
7. The University and College Tribunal shall now permit the petitioner to file additional affidavit along with annexures, which he may file within a week from today and shall not be entitled to seek any adjournment on that count.
8. The respondents, if they intend may file further affidavits within a week thereafter.
9. Rule is made absolute in above terms.

(MANGESH S. PATIL, J.)