

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11069 OF 2022
(Sanjay Krishnaji Bhokardole Vs. The State of Maharashtra, Through
Director of Higher Education and others)

Mr.M.M.Bhokarika, Advocate for the petitioner.
Mr.P.K.Lakhotiya, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : NOVEMBER 15, 2022

PER COURT :

1. The petitioner is aggrieved by the selection and appointment of respondent No.4 on a contractual position. He approached the Grievances Redressal Committee formulated u/s 79 of the Maharashtra Public Universities Act, 2016 by preferring Complaint No.8/2019. By a detailed judgment, the 7 Members Committee partly allowed the complaint filed by the petitioner and issued a direction for payment of salary. The said decision has not been implemented by the University. So also, the petitioner is not satisfied with the said judgment. Hence this writ petition.

2. Section 81 of the Maharashtra Public Universities Act, 2016 reads

as under :-

"81. (1) Notwithstanding anything contained in any law or contract for the time being in force, any teacher or other employee in the university governed by this Act or in affiliated college or recognized institution of any of these universities, other than that managed and maintained by the State Government, Central Government or a local authority, who is-
(a) dismissed or removed or whose services are otherwise terminated or who is compulsorily retired or who is reduced in rank by the university or management and who is aggrieved; or
(b) aggrieved by the decision of the Grievances Committee established under this Act;

shall have a right of appeal and any appeal against any such order or decision shall lie to the Tribunal:

Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided or pending before a Court or Tribunal on the date of commencement of this Act or where the order of dismissal, removal, otherwise termination of service, compulsory retirement or reduction in rank, or decision of the Grievances Committee was passed at any time before the date on which this Act comes into force and in which case the period for filing an appeal has expired.

(2) Such appeal shall be made by the employee to the Tribunal, within thirty days from the date of receipt by him of the order of dismissal, removal, otherwise termination of services, compulsory retirement or reduction in rank, or of decision of the Grievances Committee, as the case may be:

Provided that, where such order was made before the date of commencement of this Act, such appeal may be made if the period

of thirty days from the date of receipt of such order or decision has not expired.

(3) Notwithstanding anything contained in sub-section (2), the Tribunal may entertain an appeal made to it after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(4) Every appeal shall be accompanied by a fee as prescribed which shall not be refundable and shall be credited to the university fund:

Provided that, it shall be lawful for the State Government to revise, by notification in the Official Gazette, such fees as it may deem fit, from time to time."

3. It is, therefore, obvious that the petitioner has to approach the University Tribunal by preferring an appeal for challenging the decision of the Grievance Committee established under the Act. In the event of delay, the delay can be condoned subject to justifiable reasons being assigned by the petitioner.

4. Considering the above, we are not inclined to exercise our jurisdiction when a statutory remedy is available to the petitioner. This petition is, therefore, disposed off.

5. If the petitioner approaches the University Tribunal within a period of 30 days from today, the time spent by the petitioner in this Court from the date of the filing of the petition on 02.09.2022 till the passing of this order, would be considered as a good ground for condonation of delay.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)