

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

925 WRIT PETITION NO.14275 OF 2019

**PANDHARINATH RAMESH ROKDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Rajendrraa Deshmukkh, Senior Advocate a/w
Mr. Kunal Kale i/b Mr. Devang Deshmukh
AGP for Respondent Nos. 1 to 3 : Mr. K. N. Lokhande
Advocate for Respondent Nos. 4 & 5 : Mr. P.R. Katneshwarkar

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 11.08.2022.

PER COURT :

We have heard the learned Senior Advocate Mr. Deshmukkh for the petitioner and learned advocate Mr. Katneshwarkar, for the respondent Nos. 4 & 5.

2. Mr. Katneshwarkar raises a preliminary objection regarding availability of efficacious and alternate remedy in the form of either a matter before the grievance committee as contemplated under Section 79 or before the Tribunal as contemplated under Section 81 of the Maharashtra Public Universities Act, 2016 (hereinafter 'the Act').

3. The petitioner is coming with following prayers :

“C) To direct respondent college to submit the bill/proposal in respect of the salary/arrears of the remaining amount to the respondent No. 3 during the suspension period after getting reinstated in service and all other consequential benefits and for that purpose issue necessary orders.

D) To direct the respondent college to submit the bill of the petitioner for the salary from June 2019 to the respondent

No. 3 and for that purpose issue necessary orders.

E) To quash and set aside the letter dated 06.11.2019 thereby relieving the petitioner from service w.e.f. 08.05.2019 and reinstate the petitioner in service and to grant all other consequential benefits and for that purpose issue necessary orders.”

4. In view of the provisions of Section 79, 80 and 81 of the Act, as far as the grievance regarding dismissal, removal or otherwise termination, in respect of which a relief is being claimed in clause ‘E’, the matter would lie in the form of an appeal under Section 81 before the University and College Tribunal constituted under Section 80.

5. As can be seen from the wording of Section 79 of the Act, wherever the matter cannot go to the Tribunal in the form of an appeal, remedy of approaching the grievance committee has been provided for, in the form of a residual remedy. Pertinently, even an appeal against the order of the grievance committee would lie under Section 81 before the Tribunal. Prayer clause ‘C’ and ‘D’ above, to our mind, would lie before a grievance committee.

6. Be that as it may, there is an efficacious alternate remedy available for the petitioner to ventilate his grievance.

7. The Writ Petition is dismissed, keeping open the avenue for the petitioner to resort to the appropriate remedies.

8. The time spent in prosecuting the present remedy may be considered under Section 14 of the Limitation Act, 1963.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-