

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5463 OF 2021

Babruvahan Pandurang Ronge

..... Petitioner

VERSUS

**Punyashlok Ahilyadevi Holkar University
& Ors.**

..... Respondents

Mr. S.S.Patwardhan, i/b. Mr.Bhooshan Mandlik for the Petitioner.

Mr. S.S.Kanetkar, i/b. Mr.V.H.Narvekar for the Respondent nos. 1 and 2.

**CORAM : A.S.CHANDURKAR &
G.A.SANAP, JJ.**

DATE : 29TH APRIL, 2022.

P.C:-

Rule. Rule made returnable forthwith. Heard learned counsel for the parties.

2. The challenge raised to this writ petition is to the show cause notice dated 28th August, 2021 issued by the Deputy Registrar of the respondent no.1 University. By that notice, the petitioner who is a member of various authorities on the University has been called upon to explain why he should not be divested of the posts held by him in the University. The petitioner has been granted seven days time to

submit his reply to the said show cause notice. Being aggrieved, the petitioner has approached this Court challenging the said show cause notice on various grounds.

3. On 14th September, 2021 while issuing notice in the writ petition, this Court had stayed the effect operation of the said show cause notice. The respondent nos.1 and 2 have now appeared and have submitted that it is not open for the petitioner to challenge the show cause notice on the grounds as raised. The petitioner ought to have filed his reply to the same on the basis of which a decision could be taken by the University.

4. We find that what is under challenge in the writ petition is the show cause notice dated 28th August, 2021. The petitioner can be permitted to file reply to the show cause notice by raising all available defences. This would enable the said notice being taken its logical end.

5. In view of the matter, writ petition is disposed of by passing the following order :-

- (a) The petitioner is permitted to file his reply to the show cause notice dated 28th August,

2021 by 10th May, 2022. He is permitted to raise all defences as available in law.

(b) The respondent no.1 shall consider the petitioner's reply and take a decision on the show cause notice in accordance with law.

(c) All points raised in the writ petition as well as in the reply filed by the respondents are kept open.

(d) The interim protection that was granted by this Court on 14th September, 2021 shall continue to operate till the respondent no.1 takes a decision on the show cause notice. If any adverse order is passed by the respondent no.1, the same shall not be acted upon for a period of 15 days from communication of such decision to the petitioner.

6. With these directions, the writ petition is disposed of. Rule accordingly with no order as to costs.

[G.A.SANAP, J.]

[A.S.CHANDURKAR, J.]