

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2111 OF 2021

Dr. Bhagwat Nivrutti Pawar ... Petitioner.
V/s.

The State of Maharashtra, through its
Principal Secretary, Higher & Technical
Education Department & Others ... Respondents.

Ms. Devyani Kulkarni, for the Petitioner.

Mr. Nitin Deshpande, for Respondent Nos. 4 to 6.

Mr. Mahindra B. Deshmukh, for Respondent Nos. 7 to 9.

Mr. N.C. Walimbe, AGP, for the Respondent-State.

**CORAM : NITIN JAMDAR AND
AMIT B. BORKAR, JJ.**

**DATE : 6 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

Heard learned Counsel for the parties.

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2. The Petitioner was appointed with Respondent No. 6 – Lonavala Education Trust by an appointment order dated 7 July 2017 as a Principal. The terms of the appointment order stated that the appointment could be terminated by either of the parties by giving one month's notice or one month salary in lieu of the notice. According to the Petitioner, pursuant to this stipulation a notice was

given to the Respondent Management of the Petitioner's intention to resign on 14 November 2018. However, since the Petitioner was not allowed to leave pursuant to the notice the Petition came to be filed.

3. The learned Counsel for the Respondent – Institution submits that there is no difficulty about the Petitioner leaving the services of the Respondent No. 6 – Institution, however, for getting accreditation under the UGC norms a compliance of NAAC process has to be done and for that purpose it is necessary that the Institution must have a full-time Principal. The learned Counsel submits that if a full-time Principal is not available during the inspection which is scheduled shortly within one or two weeks, the Respondent No. 6 – Institution would be in difficulty in getting the accreditation.

4. While we appreciate the difficulty of the Respondent No. 6 – Institution as stated, at the same time the Petitioner cannot be indefinitely asked to continue even though the Petitioner wants to resign under the terms of the contract entered into with the Respondent No. 6 – Institution. It is since the year 2018 when the Petitioner has expressed his intention to leave the services of the Respondent No. 6 – Institution, yet he has not been relieved.

5. Since it is stated that the inspection is due shortly, the learned Counsel for the Petitioner has stated that the Petitioner would wait till 1 March 2022. We find the stand of the Petitioner to be reasonable. The contention of the Respondent No. 6 – Institution

that period should be extended even beyond that till NAAC process is complete cannot be accepted as this would be a direct restraint on the rights of the Petitioner conferred upon him under the terms and contract and his right to choose his employment.

6. Balancing these two rights, we are of the opinion that the Petition can be disposed of by directing the Respondent No. 6 – Institution to relieve the Petitioner from 1 March 2022 as per the notice given earlier. Order accordingly.

7. The Writ Petition is disposed of.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)