

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 6153 OF 2021

Dr. Prashant Dhanaji PawarPETITIONER
V/S
The State Of Maharashtra & OrsRESPONDENTS

Mr. Sugandh Deshmukh a/w. Adv. Irvin D'souza i/b. Mr. Aarif Ali for
Petitioner
Mr. T. R. Yadav i/b. Adv. A. K. Jalisatgi for Respondent Nos. 2 & 3
Mrs. S. S. Bhende, AGP for Respondent-State

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ**

DATED : 15th DECEMBER, 2022

P.C.:

1. The challenge in the petition is to the order dated 22/01/2021 passed by the Registrar of the respondent-university whereby the financial benefits in regard to the service conditions conferred vide communication dated 04/08/2014 are cancelled by the University based on the government communication dated 06/01/2021.
2. The fact remains that pursuant to the provisions of sub-sections (b) and (c) of section 46 of the The Maharashtra Animal and Fishery Sciences University Act, 1998, the university is not empowered to confer such benefits as has been conferred on the petitioner as is claimed by the counsel for the respondents.
3. Be that as it may. The fact remains that before passing the

order impugned, the respondent-university has neither issued notice or communication of the State Government dated 06/01/2021 to the petitioner so as to explain his case before the university.

4. As such, the order impugned dated 22/01/2021 is not sustainable as the same passed without issuing notice or hearing the petitioner. As such, the same is hereby quashed and set aside.

5. We direct the petitioner to treat the order impugned dated 22/01/2021 so also communication dated 06/01/2021 issued by the respondent - university and the State Government to be show cause notice and shall submit his reply to the university within a period of eight weeks from today.

6. We expect the university to pass reasoned order dealing with the claim of the petitioner after offering him personal opportunity of hearing. Let the order be delivered to the petitioner on the same from eight weeks from the date of conclusion of such hearing.

7. The petition stands disposed of in above terms.

ANANT
KRISHNA
NAIK

Digitally signed
by ANANT
KRISHNA NAIK
Date: 2022.12.19
10:16:35 +0530

(SHARMILA U. DESHMUKH, J)

(NITIN W. SAMBRE, J.)