

BDP-SPS-

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.1542 OF 2022**

Vikrant Halkandar

..... Petitioner.

V/s

Pravin Gandhi College of Law  
and Anr.

..... Respondents.

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Mr. Rahul Singh a/w Ms. Pranali Raut and Ms. Varsha Salunke i/b  
Legal Catalyst for the Petitioner.

Ms. Manorama Mohanty i/b S.K. Srivastav & Co. for Respondent Nos.  
1 and 2.

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

**DATE: DECEMBER 05, 2022**

P.C.:-

1] Heard.

2] Petition questions the observations made in the order dated  
06/01/2022 passed by the Presiding Officer, Mumbai University and  
College Tribunal, Mumbai.

3] Tribunal was dealing with the prayer of Respondent-  
Management for grant of extension of time for concluding  
departmental inquiry. While granting such prayer, moved by  
Respondent-Management, Tribunal has observed that the issue of  
completion of probation and permanency will be dependent on the

outcome of the inquiry. It is further observed that said issue can be independently decided in accordance with law.

4] We are informed that after time was extended by the Tribunal, inquiry proceedings were culminated into issuance of termination order to the Petitioner, which he has independently challenged before the Mumbai University and College Tribunal, Mumbai.

5] It appears that the Petitioner-employee has approached the Tribunal alleging that he being permanent employee, ought not to have been terminated without following due process of law i.e. by conducting enquiry. While dealing with said issue, Tribunal in its order dated 20/3/2019 in Appeal No.26 of 2018 has observed in para 35 as under:-

“(35) Accordingly, in view of the Regulation No.11.1 and 11.2 of the UGC Regulations dated 30<sup>th</sup> June 2010, and the above referred judgment of Bombay High Court dated 3<sup>rd</sup> August 2016, the Appellant / Applicant has attained the status of permanent Assistant Professor on the date of expiry of one year probation from the date of his appointment i.e. on 2<sup>nd</sup> January, 2016, and therefore the service of the Appellant/ Applicant cannot be terminated on the ground of alleged unsatisfactory performance, without conducting inquiry into those allegations against the Appellant / Applicant, and hence, the impugned letter / notice of termination dated 29<sup>th</sup> August, 2018, issued by the Respondent Nos. 1 and 2, to the Appellant / Applicant without conducting such inquiry, is erroneous, unlawful and bad in law,

and the same deserves to be quashed and set aside.”

6] From the above contention, it can be noticed that Tribunal has observed that Petitioner needs to be proceeded against through departmental enquiry as he is a permanent employee and on the other hand, while deciding issue of grant of extension of time to complete enquiry has observed that issue of permanency and the completion of probation can be looked into independently.

7] As such, it is claimed by the Counsel for the Petitioner that observations made are contrary, which appears to be supported by observations made in order dated 20/3/2019. Apart from above once the Respondents have held the enquiry proceedings, it leads to the inference that Petitioner was a confirmed employee.

8] In this backdrop, this Petition can be disposed of by recording finding that issue as to the legality and validity of termination of service of the Petitioner be decided by Tribunal afresh in pending appeal preferred by the Petitioner without influenced by reasoning recorded in the order impugned dated 6/1/2022 while deciding the prayer for extension of time in Misc. Application No.2021 in Appeal No.26 of 2018.

9] Petition stands partly allowed in the above terms.

[ SHARMILA U. DESHMUKH, J. ]

[ NITIN W. SAMBRE, J. ]