

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 291 OF 2022

1. The Secretary,
Gyan Vikas Shikshan Sanstha,
Kardi, Tal. Mohadi, Dist. Bhandara.
2. Principal,
Art and Commerce College, Kardi,
Tal. Mohadi, Dist. Bhandara.

PETITIONERS

.....VERSUS.....

1. Chairman,
Grievance Committee,
Rashtrasant Tukdoji Maharaj Nagpur University,
Amravati Road, Ram Nagar, Nagpur.
2. The Registrar,
Rashtrasant Tukdoji Maharaj Nagpur University,
Amravati Road, Ram Nagar, Nagpur.
3. Nilkanth s/o Deoraoji Sonekar,
aged about 43 years, Occ. Asstt. Professor,
R/o at Bitoli, Post – Navegaon, Khairi,
Tah. Parshioni, Dist. Nagpur.

RESPONDENTS

Shri S.V. Sohoni, Advocate for the petitioners.
Shri N.D. Khamborkar, Advocate for respondent Nos. 1 and 2.
Shri P.S. Tiwari, Advocate for respondent No.3.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : 19/12/2022

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. Respondent No.3 was in service with the petitioners on the post of Assistant Professor. It is his case that he was appointed on the said

post on 11/2/2015. However, he was restrained from discharging his duties by the petitioners on 10/7/2019. Being aggrieved, respondent No.3 filed proceedings under the Maharashtra Public Universities Act, 2016 (for short “the Act of 2016”). Respondent No.3 has raised a grievance before the Grievance Committee under the Act of 2016. In those proceedings, the petitioners – Management raised an objection to the tenability of those proceedings by urging that since the services of respondent No.3 had been terminated, the remedy for challenging the same was available with the University and College Tribunal. Since there was no adjudication of this objection, the present petition has been filed.

3. Considering the aforesaid facts, the interests of justice would be served by passing the following order :

i. The Grievance Committee shall consider and decide the objection that has been raised by the present petitioners to the maintainability of the said proceedings. The same be done after granting due opportunity of hearing to all the parties. Based on that decision, the Grievance Committee is free to proceed further in accordance with law.

4. Keeping the questions raised in the Writ Petition open, the same is disposed of. No costs.