

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1134/2022 IN WRIT
PETITION NO. 2134/2022

(Ankush Shikshan Sanstha & Anr. Vs. Rashtrasant Tukdoji Maharaj Nagpur
University & Ors.)

WITH

CIVIL APPLICATION (CAW) NO. 1135/2022 IN WRIT
PETITION NO. 2135/2022

(Ankush Shikshan Sanstha & Anr. Vs. Rashtrasant Tukdoji Maharaj Nagpur
University & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.B. Kalwaghe, Advocate for Applicants / petitioners in both
Petitions

Mr. Atul Pande, Advocate for Respondent Nos.1 & 2 in both
Petitions

Mr. Onkar Deshpande, Advocate for Respondent No.3 in WP
No.2135/2022

CORAM : MANISH PITALE, J.

DATE : 15th JUNE, 2022

In these petitions, the present applications have been filed seeking recall of orders dated 20/04/2022, whereby the petitions were disposed of as withdrawn by recording contention of the learned counsel for the petitioners that the petitioners would like to avail of remedy of statutory appeal under Section 81 of the Maharashtra Public Universities Act, 2016.

2. In these applications, the learned counsel for the petitioners has candidly stated that he, inadvertently, failed to peruse the entirety of the concerned provision i.e. Section 81 of the aforesaid Act. Upon perusal of the same, after the petitions were disposed of, the learned counsel for the petitioners realized that the statutory remedy of appeal under Section 81 of the said Act is available only to an aggrieved employee against decision of the Grievance Committee established under the Act. The learned counsel for the petitioners realized that the writ petitions ought not to have been withdrawn with liberty for the petitioners to avail the remedy, which in fact under the aforesaid provisions of the statute is not available.

3. This Court is also informed that the respondent – employee in Writ Petition No.2135/2022, has already filed a writ petition seeking implementation of the decision of the Grievance Committee, which is pending before a Division Bench of this Court.

4. In view of the above, this Court is convinced that a case is made out for recalling the orders dated 20/04/2022, passed in these two petitions. Accordingly, the applications are allowed. The orders dated 20/04/2022, passed in these writ petitions are recalled.

Writ Petition Nos. 2134/2022 & 2135/2022

Issue notice to the respondents in both the writ petitions, returnable on 04/07/2022.

2. Mr. Pande, learned counsel waives notice for respondent Nos. 1 and 2 in both the petitions.

3. Mr. Onkar Deshpande, learned counsel waives notice on behalf of respondent No.3 in Writ Petition No.2135/2022.

4. Hamdast granted for service of notice on respondent No.3 in Writ Petition No.2134 of 2022.

JUDGE