



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13480 OF 2023

Jamina Mohammediya Education Society
through its President/Secretary & Anr.

...Petitioners

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Jayendra D. Khairnar a/w. Mufeez Ansari, for the Petitioners.

Mr. P. G. Sawant, AGP, for the State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 29th NOVEMBER 2023

P.C. :

1. Heard Mr. Khairnar, learned counsel appearing for the Petitioners.

2. In the Writ Petition filed under Articles 226 and 227 of the Constitution of India challenge is to the legality and validity of the order dated 21st February 2023 passed by the learned Presiding Officer of University and College Tribunal, Pune (hereinafter referred to as “**the University Tribunal**”) in Appeal No.2 of 2021. In the said Appeal, the challenge was to the termination order issued by the

present Petitioners dated 31st May 2020.

3. The factual position on record shows that Respondent No.3 has been appointed in the Petitioner-College on 19th August 2013 on the post of Assistant Professor from the Other Backward Class (“OBC”) category. It is the contention of the Respondent No.3 that his service was approved by the Pune University on 26th April 2014. Learned counsel appearing for the Petitioners disputes the said position. However, learned University Tribunal has observed that Respondent No.3 was deemed to have become permanent on the said post after the completion of two years probation.

4. Undisputedly, service of the Respondent No.3 is governed by the Maharashtra Public University Act, 2016(“**the said Act**”). Learned University Tribunal has rightly held that termination order is major penalty and before imposing such a major penalty, the Management of the college is required to follow the Statute more particularly 431 and 433 of the Pune University. The termination order clearly shows that no inquiry has been conducted and the service of the Respondent No.3 is terminated. By the impugned order, termination order is set aside and the Petitioners have been directed to be reinstated the Respondent No.3 on the same post of Assistant Professor with benefit

of continuity in service, full back wages and allowances, if any, as per the rules.

5. The factual position on record clearly shows that the impugned order of termination of Respondent No.3 is in clear breach of relevant Pune University Statute and provisions of the said Act. The factual position on record establishes that even the principles of natural justice are not followed.

6. Therefore, this is not a case where interference of this Court under Articles 226 and 227 of the Constitution of India is warranted.

7. The Writ Petition is dismissed, however with no order as to costs.

[MADHAV J. JAMDAR, J.]