

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 51 OF 2022
IN
WRIT PETITION NO. 891 OF 2022

Walchand Waman Sawant ...Petitioner
Versus
The Registrar Shreemati Nathibai Damodar ...Respondents
Thackersey Womens University & Anr

Mr SK Kamble, Manisha Jadhav, Rohidas Bhor, for the Petitioner.
Ms Sanjivani Jadhav, for Respondent No. 1.
Mr Himanshu Takke, AGP, for the Respondent-State.

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI SANJAY
MORMARE
Date: 2023.06.06
09:53:01 +0530

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 5th June 2023

PC:-

1. The Contempt Petition in our view is thoroughly misconceived. It alleges contempt by the 1st Respondent University of an order of 15th June 2022. A copy of that order is at page 31 at Exhibit "A". The Division Bench (SV Gangapurwala J as he then was and Dhiraj Singh Thakur J) noted the statement on behalf of the University that the Grievance Redressal Committee or GRC would decide the grievance of the Petitioner within a period of two weeks. That statement was accepted and the Petition was disposed of.

2. The Contempt Petition was filed on 28th July 2022. On 19th August 2022 another Division Bench (SV Gangapurwala J as he then was and Madhav J Jamdar J) declined to take cognizance of contempt.

3. The record of the Writ Petition indicates that on 17th February 2022 this Court noted that the Petitioner's grievance is that although he was senior in service, he was not granted promotion. The Bench expressed its doubts as to the maintainability of the Petition and also noted the significant delay and laches in its filing.

4. In the Writ Petition itself there is now an Interim Application No. 987 of 2023 by the University. It points out that "the grievance" of the Petitioner was actually decided 10 years earlier on 9th January 2012 by the Grievances Committee of the University. A copy of that Grievances Committee report and minutes is at Exhibit "A" to the University's Interim Application. We asked why this was not brought to the notice of the Division Bench on 15th January 2022. The Interim Application says that the Advocate representing the University was unaware of the 2012 action by the Grievances Committee.

5. On being confronted with this Interim Application, learned counsel for the Petitioner says that the 2012 grievance was "**some other grievance**" relating to promotions whereas the grievance in the 2022 Petition relates to supersession by juniors. Prima facie, that is incorrect. The minutes of the grievance committee shows that the

Petitioner consistently complained about being senior *and* of being superseded by his juniors. Once that issue was decided, it is simply not open to the Petitioner to raise the same grievance again and again, year on year, and to come to Court each time claiming that his grievance has not been addressed. We do not expect the University to revisit the same grievance every single year. In fact, if the University or its Grievances Committee attempted to revisit a decided or closed issue, that would run contrary to settled law.

6. There is in our view no substance to the Contempt Petition. We note in the Interim Application the statement by the University that the grievance has been decided. The order of 15th June 2022 will obviously have to be read along with the contents of the Interim Application as clarificatory and we believe that our present order will suffice as a clarification to that extent.

7. The Contempt Petition is dismissed. There will be no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)