

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

WRIT PETITION (WP) NO.2589 OF 2020

- 1) Shri Saccidanand Shikshan Sanstha,
Nagpur, Through its President, R/o 13,
Pawanbhoomi, Wardha Road, Nagpur.
- 2) Principal, Art, Commerce and Science
College, Koradi, District Nagpur.

.... Petitioner(s)
(Org. Non-applicants)

// VERSUS //

- 1) Dr. Leena W/o. Sunil Konde (Org. applicant)
Aged about 42 years, Occu. Service,
R/o. 'Rutugandh', 739, New Subhedar
Layout, Near Dattatraya Nagar
Corporation School, Nagpur.
- 2) Grievances Committee,
R.T.M. Nagpur University, Nagpur
Through its Secretary.
- 3) Rashtrasant Tukdoji Maharaj Nagpur
University, Nagpur Jamnalal Bajaj
Administrative Building Ambazari
Bypass Road, Nagpur-33, Through its
Registrar.

... Respondent(s)

Shri P.S. Khubalkar, Advocate for the Petitioners
Shri Naqid Mirza, Advocate for the respondent No.1
Ms S.H. Bhatia, Advocate for the respondent Nos.2 and 3

**CORAM : ANIL S. KILOR, J.
DATED : 03rd April 2023**

ORAL JUDGMENT :

1 Heard.

2 Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

3 The order dated 28.11.2019 passed by the Grievances Committee, R.T.M., Nagpur University, is under challenge in this writ petition.

4 The petitioner No.1 is an Education Society, running Commerce and Science College, Koradi, District Nagpur. The respondent No.1 is an employee of petitioner No.1 Society and working as Assistant Professor in Botany in Petitioner No.2 College since 01.01.2000.

5 The respondent No.1 filed a grievance petition No.24 of 2013, challenging the order dated 11.05.2013 regarding stoppage of increment, before the Grievances Committee. The Grievances Committee vide impugned order quashed and set aside the order. Hence, this petition.

6 The learned counsel for the petitioners submits that the Grievances Committee is constituted under Section 79 of the Maharashtra Public Universities Act, 2016 (for short “the Act of 2016”) it consists of seven members. He submits that as per sub-Section (6) of Section 79 the Act of 2016, a Grievances Committee shall hear, settle and decide the grievances as per the law.

7 He further points out that the order impugned is signed by the Chairman and not by the other six members. He therefore, submits that, such order cannot be considered as the order passed by the Grievances Committee and accordingly, he prays for quashing and setting aside the impugned order.

8 On the other hand, the learned counsel appearing for the original applicant/respondent No.1, supports the impugned order and submits that, as the Chairman of the Grievances Committee has signed the order, it can be treated as the order passed by the Grievances Committee. He therefore, submits that there is no illegality committed in passing the order with a signature of the Chairman.

9 The learned counsel for the respondent Nos.2 and 3 /University, reiterated the submission of the learned counsel for the original applicant and prays for dismissal of the present writ petition.

10 From the above referred submissions of the respective counsel, it is evident that the whole controversy revolves around a question, whether the impugned order can be considered as passed by the Grievances Committee ?

11 To answer the above referred question, I am of the opinion that at this juncture, it would be appropriate to refer to Section 79 of the Act of 2016, which reads thus:

“79. Grievances Committee.

(1) There shall be a Grievances Committee in each university to deal with all types of grievances ; except grievances against the State Government including its officials, of teachers and other employees of the university, affiliated and autonomous colleges and recognized institutions, other than those managed and maintained by the State Government, Central Government or a local authority ; which are not within the jurisdiction of the University and College Tribunal.

(2) The university shall establish a Grievances Redressal Cell headed by the officer of the university not below the rank of the Assistant Registrar for providing administrative assistance to the Grievances Committee.

(3) The Grievances Committee shall consist of the following members, namely :-

- (a) retired Judge not below the rank of the District Judge, nominated by the Vice-Chancellor - Chairperson ;*
 - (b) one Dean, nominated by the Vice-Chancellor;*
 - (c) Chancellor's nominee on the Management Council;*
 - (d) Registrar;*
 - (e) one teacher belonging to Scheduled Castes or Scheduled Tribes or De-notified Tribes (Vimukta Jatis) or Nomadic Tribes or Other Backward Classes and one non-teaching employee nominated by the Senate from amongst its members;*
 - (f) Law Officer of the University - Member-Secretary.*
- (4) The nomination of a retired Judge as the Chairperson and of a Dean as the member of the Grievances Committee, shall be for such period, not exceeding three years in aggregate, as the Vice-Chancellor may from time to time, in each case decide.*
- (5) The retired judge nominated as the Chairperson of the Grievances Committee shall be entitled for remuneration and conveyance charges, as may be determined by the university.*
- (6) The Grievances Committee shall hear, settle and decide grievances as per the law, as far as may be practicable, within three months, from the date of filing of the complaint.*
- (7) It shall be lawful for the Grievances Committee to entertain and decide grievances or complaints relating to service of the employees, which are not within the jurisdiction of the Tribunal, after giving reasonable opportunity of being heard to both the parties”*

12 Section 79 (3) of the Act of 2016 makes it clear that the Grievances Committee consists of seven members, whereas sub-Section (6) of Section 79 of the Act of 2016, mandates that every grievances shall be heard, settled and decided by the Grievances Committee.

13 The only possible interpretation of sub-Section (6) of Section 79 of the Act of 2016, would be that, the committee constituted

under sub-Section (3) of Section 79 of the Act of 2016, shall hear, settle and decide the grievances.

14 Hence, to show that the committee as a whole has taken the decision, it is necessary that the members shall sign the decision along with the Chairman.

15 From the impugned order, it cannot be said that the members of the committee participated in decision making process and they agreed to the view expressed in the impugned order.

16 In the circumstances, as the impugned order does not fulfill the requirement of sub-Section (6) of Section 79 of the Act of 2016, I am of the opinion that the matter needs to be remanded back to the Grievances Committee to decide the same afresh. Accordingly, I pass the following order:

(i) The writ petition is partly **allowed**.

(ii) The order dated 28.11.2019 passed by Chairman, Grievances Committee, R.T.M., Nagpur University in Grievance Petition No.24 of 2013, is hereby quashed and set aside.

(iii) The matter is remanded back to the Grievances Committee, R.T.M., Nagpur University to decide the same afresh, after taking into consideration the observations made in this order.

(iv) The Grievances Committee is directed to decide the grievance of the respondent No.1 within three months from the date of the appearance of the parties.

(v) The parties shall appear before the Grievances Committee, R.T.M., Nagpur University on **18.04.2023**.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]