



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 11773 OF 2022

Dr. Ashish Subhash Jadhav
age 40 yrs, Occ. Service,
R/o 11/143, Shridhar Nagar,
Girna Pumping Road, Jalgaon,
Tq. & Dist. Jalgaon.

Petitioner.

VERSUS

1. Pankaj Educational And Social Trust
Chopda, Tq. Chopda, Dist Jalgaon.
Through It's Secretary.
2. Pankaj Mahavidyalaya Chopda,
Tq. Chopda, Dist. Jalgaon
Through its Principal.
3. The North Maharashtra University,
Jalgaon, Dist. Jalgaon.
Through it's Registrar.
4. The Joint Director of Higher
Education, Jalgaon Division,
Jalgaon.

Respondents

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Advocate for the Petitioner : Mr. K.P. Rodge
Advocate for Respondents 1,2 : Mr. P. S. Gaikwad
Advocate for Respondent 3 : Mr. A.B. Girase
AGP for Respondent no.4 : Mr. P.S. Patil

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**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : February 09, 2024

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FINAL ORDER :- (Per S.G. Chapalgaonkar, J.)

1. The petitioner approached this Court under Article
226 of the Constitution of India, thereby assailing the order of

approval dated 2.12.2020 issued by the respondent no.3 University and seeks further directions against respondent no.4 Joint Director of Higher Education, Jalgaon to release arrears of Salary from 6.8.2009 to 5.2.2020. The petitioner has also prayed for directions for refund of excess amount collected towards subscription of DCPS from his salary released w.e.f. June 2022 till this date.

2. In brief, the petitioner contends that he was appointed as Lecturer in Psychology with respondent no.2 College vide order dated 29.6.2009. However, his services were terminated by the Management w.e.f 5.8.2011. The termination order issued by the Management was subjected to appeal filed under section 59 of the Maharashtra Universities Act before the University and College Tribunal, at Aurangabad. The appeal came to be allowed vide order dated 21.6.2017. The Tribunal issued the directions to re-instate the petitioner in the service with full back-wages. Since the order of the Tribunal was not implemented, petitioner filed Misc. Application (Contempt) No.3 of 2019 before the Tribunal, in which settlement was arrived. Petitioner was allowed to join on the post of Lecturer w.e.f. 6.2.2020 and proposal for approval was forwarded to respondent no.2 University. However, University granted approval to appointment from the date of re-instatement of the petitioner i.e. 6.2.2020 instead of from the date of his initial appointment.

3. Petitioner approached the Grievance Committee of the University at Jalgaon vide application dated 8.2.2022 in

terms of Section 79 of the Maharashtra Public Universities Act, 2016. However, the Grievance Committee was not functional. The petitioner rendered remediless. The petitioner had also made representations with respondent no.4 i.e. Joint Director of Higher Education for refund of excess DCPS recovery from his salary. However, no decision is taken on such representation.

4. We have heard Mr.K.P. Rodge, learned advocate appearing for the petitioner, Mr.P.S. Gaikwad, learned advocate appearing for the respondent nos.1 and 2, Mr. Girase, learned advocate appearing for respondent no.3 and Mr. P.S. Patil, learned AGP appearing for respondent no.4.

5. Mr. Girase, learned advocate appearing for respondent no.3-University, on specific instructions, makes a statement that now Grievance Committee is functional. Appointment of the Members has been given effect and meeting of the Grievance Committee is scheduled in the month of March, 2024. He would therefore submit that the petitioner's application no.15 of 2022 pending before the Grievance Committee will be considered and appropriate orders can be passed regarding grievance of the petitioner.

6. In view of the aforesaid submissions, Mr. Rodge, learned advocate appearing for the petitioner submits that, he would pursue his remedy before the Grievance Committee.

7. Learned AGP, on instructions, submits that respondent no.4 would consider and decide representation of

the petitioner dated 10.9.2022 regarding excess recovery of DCPS contribution within a period of three (03) months from the date of order of this Court and communicate such decision to the petitioner.

8. Mr. Rodge, learned advocate appearing for the petitioner submits that if his grievance is considered by the aforesaid authorities within specified time, he would withdraw this petition.

9. In view of the aforesaid submissions, writ petition can be disposed off with following directions. Hence, the following order :-

ORDER

i. The Grievance Committee - K.B.C. North Maharashtra University, Jalgaon shall decide grievance of the petitioner pending in Application no.15 of 2022 within a period of three months from the date of this order.

ii. The respondent no.4 Joint Director of Higher Education shall consider and decide the pending representations of the petitioner dated 10.9.2022 regarding refund of excess DCPS deductions within the period of three (3) months from the date of this order and communicate its decision to the petitioner.

iii. The respondent no.4 shall offer an opportunity of hearing to the petitioner before passing the final order.

iv. Writ Petition is accordingly disposed off.

v. No costs.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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