

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR. NO. 17) WRIT PETITION NO. 7832 OF 2024

Dr. J.J. Magdum Trust Thr. Its Chairman ...Petitioners
Vijay Jaypal Magdum and Anr.

Versus

Vijay Jaysingrao Khot and Ors. ...Respondents

AND

(SR. NO. 18) WRIT PETITION NO. 7833 OF 2024

Dr. J.J. Magdum Trust Thr. Its Chairman ...Petitioners
Vijay Jaypal Magdum and Anr.

Versus

Prasad Ramchandra Kulkarni and Ors. ...Respondents

AND

(SR. NO. 19) WRIT PETITION NO. 7834 OF 2024

Dr. J.J. Magdum Trust Thr. Its Chairman ...Petitioners
Vijay Jaypal Magdum and Anr.

Versus

Mahesh Vitthal Kharade and Ors. ...Respondents

AND

(SR. NO. 20) WRIT PETITION NO. 7835 OF 2024

Dr. J.J. Magdum Trust Thr. Its Chairman ...Petitioners
Vijay Jaypal Magdum and Anr.

Versus

Vijay Ramchandra Patil and Ors. ...Respondents

Dr. Uday Warunjikar a/w Sumit Kate i/b Jenish Jain for the
Petitioners.

Mr. P.G. Sawant, AGP for the Respondent No.3/State in all
petitions.

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CORAM : M.M. SATHAYE, J.
DATE : 29 MAY 2024
(VACATION COURT)

P.C. :

. Heard learned counsel for the Petitioner/Education Institute.

2. This group of petitions is filed by common Education Institute against 4 Professors who are Respondent No.1 in these 4 petitions, to whom 'prior notices of termination' are issued. It is the case of the Petitioner that it is a permanently unaided private institution and since last 6 academic years starting from 2018 onwards, there have been no new admissions secured in the Petitioner institution. This, according to the Petitioner, has resulted into financial difficulties and therefore, there is necessity to cut down the expenses to match reduction in workload. Therefore, it is submitted that prior notices are issued for termination.

3. These notices are challenged by the Respondent/Professors before the College and University Tribunal at Pune, who has passed the common impugned order dated 03.05.2024, by which the notices of termination are stayed and the hearing of the appeal is expedited.

4. The learned counsel for the Petitioner pointed out that the statutory period for deciding the appeals of Respondent / professors

is given under Section 82(3) of the Maharashtra Public University Act, 2016, which provides that Appeal shall be decided as expeditiously as possible and in every case endeavour shall be made by the Tribunal to decide the appeal within 3 months from the date of receipt of the Appeal. The Appeals in the present matter are filed on 16 March 2024. Already more than 2 months have passed.

5. Learned counsel for the Petitioner placed affidavits of service on record and contended that the Advocate for the Caveator/ Respondents was sought to be served and efforts were made by sending email as well as physical copy of the notice of hearing. However, none appeared for the Respondent / Caveators today.

6. Learned counsel for the Petitioner states, on instructions, that since the caveator/Respondent is not present before the Court, in order to avoid further delay in deciding the appeals and to avoid further complication of requiring to spend on salaries, the Petitioner is ready to withdraw the petitions, if the directions are issued to the concerned Tribunal to decide the matter in a time bound manner, as prescribed under law.

7. In the facts and circumstances narrated above, the Petitions are disposed of as withdrawn, with direction to the concerned College and University Tribunal at Pune to decide Appeal Nos. 3/2024, 4/2024, 5/2024 & 6/2024 within a period of 2 months from today.

8. Writ petitions are disposed of accordingly.

(M.M. SATHAYE, J.)