

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13434 OF 2023.

Yogesh Namdev Dhulugade And Anr

...Petitioners.

Versus

The President Sou Sushila Danchand Ghodawat
Charitable Trust And Anr

...Respondents.

*Mr. Nitin Gaware Patil a/w Mr. Jay Salunke i/by Mr. Vaibhav Kulkarni for the
Petitioners.*

Adv. Amogh Singh a/w Rahul Arora i/by Siddhant A Singh for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : December 13, 2024.

P. C. :

1. By this Petition, exception is taken to the order dated 22nd August 2023, passed by the University and College, Tribunal, Savitribai Phule Pune University, Pune declining to exercise jurisdiction *qua* the termination order issued by Sanjay Ghodawat University as the Tribunal does not have any jurisdiction over Sanjay Ghodawat University which is private University.

2. The contention of Mr. Patil, learned counsel appearing for the Petitioner is that the Petitioner was employed with Sau. Sushila Danchand Ghodawat Charitable Trust, Sanjay Ghodawat Group of Institutions and by communication dated 29th June 2019, the Petitioner's services came to be transferred to Sanjay Ghodawat

University. He submits that though the said communication refers to the Petitioner's consent for transfer by conversion, the transfer was unilaterally done. He would further submit that after the termination by Sanjay Ghodawat University dated 25th July 2023, the Petitioners filed an Appeal before the University Tribunal with specific pleading that after so called transfer, the Petitioner thereafter discharged his duties at Sanjay Ghodawat University as well as original college under Sanjay Ghodawat Group of Institutions. He submits that in view of the pleading, the Tribunal was required to consider the issue of jurisdiction by permitting to led evidence as the same raised disputed questions of fact and law as to whether the Petitioner was discharging his duties with Sanjay Ghodawat University or Sanjay Ghodawat Group of Institutions.

3. I have considered the submissions and perused the record.

4. It is an undisputed fact that the notice of termination dated 25th July 2023, has been issued by Sanjay Ghodawat University and not by Sanjay Ghodawat Group of Institutions which was challenged before the Tribunal. Considering this undisputed fact the Tribunal would not have the jurisdiction as far as the termination by Sanjay Ghodawat University is concerned. The remedy of the Petitioners is to seek adjudication as to the Petitioner's services whether with the Sanjay Ghodawat Group of Institutions or Sanjay

Ghodawat University in an appropriate forum. The reason for the Petitioners to approach the Tribunal is that though the Petitioner's services came to be transferred to Sanjay Ghodawat University they continued to work for Sanjay Ghodawat Group of Institutions. However the facts remains that the challenge was to the termination by Sanjay Ghodawat University which could not have been adjudicated by the Tribunal.

5. In light of the above, I find no reason to interfere with the impugned order. It is open for the Petitioners to adopt appropriate remedy to seek necessary adjudication as regards the services of the Petitioner. All rights and contentions of the parties in that respect are expressly kept open.

6. Petition stands dismissed.

[Sharmila U. Deshmukh, J.]