

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9422 OF 2024

Ramesh Chavan	...Petitioner
Versus	
University Of Mumbai Throu. Registrar And Anr	...Respondents

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Mr. Swaraj Jadhav, for the Petitioner.

Mr. R. S. Pawar, A.G.P. for the Respondent – State.

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CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	9th JULY 2024

P.C.:

1. The learned counsel for the petitioner seeks leave to correct the date of the Order dated 08.02.2018, in prayer clause-a of the petition to 02.08.2018. Leave is granted. The correction be carried out forthwith.

2. The Petition questions the Order dated 02.08.2018, passed by the University and College Tribunal permitting the petitioner to withdraw the appeal (page 27) as well as the order dated 06.03.2020, by which Miscellaneous Application No. 28 of

2019, was filed for recall of the Order 02.08.2018, (page 42) which also came to be withdrawn.

3. The learned counsel for the petitioner submits, that the appeal before the tribunal, was withdrawn on mistaken impression, that the resumption of duty by the petitioner with the university, was to be with continuity of service. This been the position, the Order dated 02.08.2018, is sought to be recalled.

4. What is material to note is that the Application for withdrawal dated 02.08.2018, is signed by the applicant. It categorically states that he is aware that the communication by the University dated 06.02.2018, indicates resumption of duties by the petitioner would be without continuity of service as well as without back wages, which was acceptable to the petitioner on account of which the application came to be filed (page 26). The learned tribunal on the basis of this application has passed the Order dated 02.08.2018 wherein it has recorded the communication of the university dated 06.02.2018, the understanding of the petitioner regarding the communication, which indicates that the resumption of service, would be without continuity of service and backwages and then passed the order.

The Appellant was also present in person before the tribunal when this order dated 02.08.2018, came to be passed. The petitioner therefore, cannot claim ignorance of the conditions of the communication dated 06.02.2018, as the application dated 02.08.2018 specifically records, what he understands by the said communication.

5. In that view of the matter, I do not see any ground made out for interference in the impugned order, therefore the petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)