



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3822 of 2024

[Nilima W/o Nilay Bannore **VERSUS** Maharashtra University of Health Sciences, through its Registrar, Nashik and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's order
Registrar's orders.

Shri A.R. Deshpande, Counsel for Petitioner.
Shri Abhijit Deshpande, Counsel for Respondent No.1.
Shri M.M. Dhandekar, Counsel for Respondent Nos.2 and 4.
Shri S.D. Abhyankar, Counsel for Intervenor – Dr. Anita Bhimrao Zite.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 26th JULY, 2024

1. Heard.
2. Civil Application (CAW) No.1927 of 2024 filed for intervention is allowed.
3. Clause 5(3) of Direction No.01/2017 of the respondent No.1-University reads as under :

“5(3) Temporary appointment of officiating Principal, Dean or Director of affiliated college or recognised institution.-

In the event of the vacancy in the post of Principal, Dean or Director, occurring due to illness, leave, retirement, leaving the service, or by any other reason, the current duties of the post of Principal, Dean or Director, as the case may, shall be assigned by the Management of the college or recognised institution to the teacher of the college or recognized institution, on seniority cum merit basis, to a teacher who is otherwise eligible for the post of Principal,

Dean or Director, in addition to his own duties, as an alternate arrangement in respect of the temporary vacancy, for the period of six months or till the incumbent is appointed, by following the prescribed procedure and resumes his duties:

Provided that, under exceptional circumstances considering the genuine efforts made by the college or recognised institution for filling up the said post on regular basis, the Vice-Chancellor may approve the period of appointment of such person as officiating Principal, Dean or Director, as the case may be, for a further period of six months or for such period as the Vice-Chancellor deems fit, as the case may require. However, the superannuated teacher shall not be appointed as officiating Principal, Dean or Director of any private unaided affiliated college or recognised institution. The temporarily appointed officiating Principal, Dean or Director shall not have any claim or right to claim continuity or confirmation on such temporary post.”

4. In the aforesaid backdrop, we deem it appropriate to accept the statement of the Registrar of the respondent No.1-University that the claim of the petitioner and the respondent No.4- employees so also the respondent Nos.2 and 3- Management shall be decided in accordance with Clause 5(3) of Direction No.01/2017, reproduced above, by 31-8-2024.

5. The parties shall appear before the Registrar of the respondent No.1-University on 8-8-2024 with the written notes of arguments and evidence, if any.

6. Liberty is granted to the aggrieved party to approach this Court again.

7. With the aforesaid directions, the petition stands disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR