



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO.6910 OF 2023

[Jagadambha Bahu Uddishiya Gramin Vikas Sanstha .Vs. Sant Gadgebaba
Amravati University and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr B. G. Kulkarni, Advocate for Petitioner.
Mr J. B. Kasat, Advocate for Respondent Nos.1 and 2.
Mr A. J. Mirza, Advocate for Respondent No.3.

CORAM : **AVINASH G. GHAROTE AND**
SMT. M. S. JAWALKAR, JJ.

DATE : **27th FEBRUARY, 2024.**

. Heard.

2. On 23.02.2024, the following position was recorded :

"2. The petition questions the decision of the Management Council in refusing to accept the proposal of the petitioner/Management for according approval to the punishment of termination of the employee Shri Mohd. Wasim Abdul Qadar based upon the recommendation of the committee No. 4/2022 constituted for that purpose, on the ground that the documents which were filed by the employee alongwith its reply were duly considered by the committee No. 4/2022, and therefore, the finding recorded contrary thereto, was factually not sustainable. It is also contended, that the committee had also considered the reply submitted by the employee, on account of which also the ground in that regard is not factually correct (Page 240).

3. A perusal of the decision of the Management Council dated 24.07.2023 as reflected in the Minutes No. 92 as recorded (page 239) indicates, that it is as vague as possible for it does

not delineate which documents which it considered necessary to be looked into, have been not so looked into nor does it delineate which are those appendix filed with the reply by the employee, which have not been considered by the committee in its report.”

3. Today, Mr Kasat, learned counsel for the respondent Nos.1 and 2 as well as Mr Mirza, learned counsel for the respondent No.3 do not dispute the position, that alongwith the written notes of arguments, no documents were filed by the respondent No.3, in view of which, it is apparent that the finding rendered by the Management Council in para 1 of the minutes of meeting No.92 dated 24.07.2023 is factually incorrect. The same position, is also extant in respect of what has been stated in in para 2 of the aforesaid minutes of meeting, considering which, the decision of the Management Council dated 24.07.2023 (Page 239) cannot be sustained. The same is hereby quashed and set aside and the matter is remitted back to the Management Council to take a decision afresh by giving proper reasons for its decision. Such a decision shall be taken by the end of March-2024.

(M. S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)