



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

WRIT PETITION NO. _____ OF 2024

Dr. Sanjay Khudale and another V/s Shri Manoj Shingane and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Anand Parchure, counsel for the petitioners.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/05/2024.

1. By this petition, the petitioners are seeking to challenge the order dated 22/02/2024 passed by respondent No.2 i.e. the University and College Tribunal, Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur, wherein the application filed by the respondent No.1 for remanding the matter to the Grievance committee, on the ground that the order dated 12/08/2021 passed by the respondent No.2 does not bear signature of all the members of the committee which is on contrary to the record.

2. As per contention of the respondent No.1 that he was appointed as Assistant Professor in Department of Physical Education in D.D. Bhoyar Arts and Science College, Mouda, District Nagpur. The petitioner no.1 is the Principal who deputed him Supervisor of the Collage. As per the allegation of the respondent No.1, that the petitioner no.1 on the request of the petitioner no.2 has pressurized him to take a loan of Rs. 15,00,000/- and

further asked him to deposit Rs, 13,50,000/- in the account of the petitioner No.2-Society, otherwise threatened him to remove him from the service.

3. Being afraid from removal from the service, has obtained the loan and transferred the said amount in the account of the petitioner No.2/Society. Initially, from February 2018 to October 2018 and December-2018, the petitioner No.2-Society has deposited the instalment amount of Rs. 23,800/- from its bank account, in the bank account of Respondent No.1. Further he had asked the petitioners about the refund of Rs. 5,00,000/- and loan amount of Rs. 15,00,000/- as mentioned above and since then 27/09/2018, the petitioner No.1 – Principal has issued series of letters only with the malafide intention to harass him for asking about the said amount. Therefore, he left with no other alternative to approach to the Grievance Committee of respondent No.1-R.T.M. Nagpur University by preferring the Grievance Petition. The Grievance Committee has passed an impugned order dated 12/08/2021 and thereby partly allowing the grievance petition.

4. The respondent No.1 has preferred an appeal before College Tribunal and the College Tribunal has remanded it back to the Grievance Committee. Being aggrieved with the same, the present petition is preferred the petition.

5. The petitioner has submitted that direction No.21/2021 issued by the Respondent No.2/University which are as under:-

20. (1) The decision rendered by the Grievances Committee shall as far as possible be in the form of an order of the Civil Court and it shall be signed by the Chairman and Members of the Grievances Committee present on the date of decision of the complainant.

(2) Before pronouncement of final/interim order the members of the Grievance Committee shall discuss the facts and the legal aspects involved in the matter and same shall be considered by the Chairman while drafting the final order.

(3) Since, the decision is taken only after due discussion and deliberation between members of Grievances Committee including the chairman, it will be sufficient to sign the judgment/order by the Chairman alone and it will not be necessary for all the members to sign it. Where, however, a member or members differ on the final decision taken by majority, such member(s) shall record his/their decision in the final order and also sign the judgment/order.

6. A plain reading of the said clause would make it clear that the signature of the Chairman on final order/judgment would suffice therefore in the present case, the same is complied with and also all the members of the committee were present and they had signed on the attendance of the same. In order to substantiate the same, the petitioners are relying on the minutes dated 12/08/2021, the same was obtained by the petitioners

along with covering letter dated 26/04/2024. The copy of the minutes dated 12/08/2021 showing presence and signature of all the members.

7. After passing of the impugned order by the respondent No.2, the respondent No.4 Grievance Committee had called upon the petitioner No.1 to appear before them on 04/05/2024. The petitioner no.1 being occupied with some domestic issues, had sent his representative, wherein the petitioner No.1 had filed an application for adjournment which was taken on record. However, the said request for attendance of the adjournment was orally rejected by the respondent No.4 on the ground that no further date can be given in the matter. Therefore, the petitioner is having apprehension of any adverse order passed against him. In view of that, he prays that Grievance Committee shall not pass any adverse in the matter during the pendency of this petition and therefore, prayed for the interim relief in terms of the prayer clause-C.

8. Heard learned counsel Mr. Parchure for the petitioner he substantiated his contentions on the basis of the documents filed on record.

9. Considering the apprehension raised, the grievance committee shall not pass any adverse order, until further orders.

10. Issue notice to the respondents, returnable after Summer Vacation-2024.

[URMILA JOSHI-PHALKE, J.]