



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

902 WRIT PETITION NO. 4441 OF 2023

MEHAR DATTABHAU PATHRIKAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND  
OTHERS

...

Mr. Amol Narhari Kakade, Advocate for the Petitioner;

Ms. M. L. Sangit, AGP for Respondent-State.

Mr. Aditya Lokhande h/f. Mr. Sambhaji Subhashrao Tope, Advocate for  
Respondent Nos.2 and 3.

Mr. Rahul Omprakash Awasarmol, Advocate for Respondent No.4.

...

CORAM : NEERAJ P DHOTE, J.

DATE : 20<sup>th</sup> NOVEMBER, 2025

PC.:-

1. Heard learned Advocate for the Petitioner, learned AGP for  
Respondent No.1-State, learned Advocate for Respondent Nos.2 and 3-  
University and learned Advocate for Respondent No.4.

2. Perused the papers on record. The Petitioner is the Principal  
of the Educational Institute, where Respondent No.4 was working as an  
Associate Professor. Respondent No.4 was suspended by the  
management of the said institution, therefore, he preferred Complaint  
No.24 of 2021 before the Grievance Committee against the Petitioner.  
The said complaint was allowed by order dated 21.08.2021 and the  
management was directed to reinstated Respondent No.4 with full

salary.

3. Petitioner, being aggrieved by the said decision of the Grievance Committee, preferred Appeal No.30 of 2021 before the College and University Tribunal, Aurangabad, wherein the Vice Chancellor of the University, Chairman of the Grievance Committee and the employee i.e. Respondent No.4 herein, were impleaded as Respondent No.1, 2 and 3 respectively. In the said appeal, Respondent Nos.2 and 3-University preferred an application dated 01.03.2023 seeking deletion of their name from the appeal memo and the said application was allowed by the impugned order dated 29.03.2023.

4. It is submitted by learned Advocate for the Petitioner that the Grievance Committee had passed the impugned order and, therefore, it was made party Respondent No.2. As the Grievance Committee was constituted within the act under which the University is constituted, the University was added as party Respondent No.1. He submits that though they may not be necessary party, they were proper parties to the appeal and, therefore, the impugned order to be set aside.

5. It is submitted by learned Advocate for the University that the University had no role to play in the subject matter, therefore, they had preferred the application for deletion of their name from the array of the appeal memo and the learned Tribunal has rightly passed the

impugned order and no interference is called for. He submits that appropriate order be passed.

6. Perused the appeal memo filed by the Petitioner before learned Tribunal and the impugned order. There is nothing in the appeal memo against Respondent No.1-University. The only relief indicated in the prayer clause pertains to setting aside the impugned order passed by the Grievance Committee. Learned Tribunal while allowing the application has observed in paragraph Nos.11 and 12 as follows:-

*“11) It is pertinent to note that, subject matter of the present appeal is order of suspension of respondent no.3 passed by appellant, based on criminal prosecution launched against him. Respondent no.3 had challenged the suspension order before the Grievance Redressal Committee constituted by BAMU under the provisions of Section 79 of the Maharashtra Public Universities Act, and it is a quasi judicial authority.*

*12) If we go through the appeal memo in its entirety, it would be clear enough that, no relief is sought against respondent no. 1. Admittedly, respondent no.1 was not party to the complaint. In appeal memo, nowhere it is made clear as to the necessity of presence of respondent no.1 in appeal. When, respondent no.1 was not party to the complaint, no relief is sought against respondent no.1 and when there is no explanation as to why respondent no.1 is made party to this appeal, it would be unwarranted to force him to face the appeal and same would be the position of respondent no.2, quasi judicial authority. Correctness and legality of the impugned order can be decided, without presence of respondent no.2.”*

7. It is clear from the above that the University is not necessary party to the proceedings, which are between the Petitioner and

Respondent No.4. Needless to state that the quasi-judicial authority which has passed the impugned order need not be the Respondents in the proceedings, where the orders of the quasi-judicial authority are challenged.

8. Considering the nature of the controversy and the pleadings, I do not see that the learned Tribunal has committed any illegality in passing the impugned order. Thus, no case is made out to exercise the jurisdiction under Article 227 of the Constitution of India.

9. Hence, writ petition is dismissed.

**(NEERAJ P DHOTE, J.)**