

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10530 OF 2025

Kolhapur Institute of Technology

..Petitioner

Versus

State of Maharashtra Through Principal
Secretary and Ors

...Respondents

Mr. Kishor Patil, with Abhijit Patil, for the Petitioner.

Mr. B.B. Dahiphale, AGP, for Respondent No.1.

Mr. Vikram N. Walawalkar, for Respondent Nos. 2 & 3.

Adv Virendra Ichalkaranjkar, with Isha Punalkar, for Respondent
No.4.

CORAM: N. J. JAMADAR, J.

DATED : 5th AUGUST 2025

ORAL ORDER:

- 1.** Heard the learned Counsel for the parties.
- 2.** The challenge in this Petition is to an order dated 20th March 2025 passed by the Grievance Redressal Committee, Shivaji University, Kolhapur, whereby the order passed by the Petitioner dated 18th December 2024 suspending the Respondent No.4 in the contemplation of Department Enquiry came to be set aside and the Petitioner was directed to re-instate the Respondent No.4 to his original post with all benefits.

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3. Mr. Patil, the learned Counsel for the Petitioner, submitted that, the Grievance Redressal Committee misdirected itself in applying the provisions contained in Statute 216 (A) to the facts of the case, as the fact-finding inquiry constituted by the Petitioner was not the Inquiry Committee envisaged by the said Statute. The Petitioner had invoked the provisions contained in Statute 216 (B)(i) to suspend the Respondent No.4.

4. I have perused the suspension order passed by the Petitioner. It reveals that, in view of the alleged forgery and lapses on the part of the Respondent No.4, the Petitioner decided to suspend Respondent No.4.

5. Statute 216 (B)(i) reads as under:

“S.216: Procedure for inflicting major penalties:

A)

B) Suspension:

(i) If the Governing Body finds that a teacher is alleged to be guilty of a lapse or an offence of a serious nature and if there is a reason to believe that in the event of the offence being proved against him, he would deserve to be removed or dismissed from service, the competent Authority/Officer shall first decide whether the person concerned should be placed under suspension.”

6. *Prima facie* the order of suspension does not fall within the ambit of Statute 216(B)(i) as the said Statute empowers the Governing Body to suspend the teacher if it has reason to believe that in the event of the offence being proved against the teacher, he would deserve to be

removed or dismissed from service. That situation would arise if prosecution is initiated against the teacher.

7. In the case at hand, the Court is informed that no first information report or complaint is lodged against Respondent No.4. Thus, the condition to invoke Statute 216 (B) (i) cannot be said to have been satisfied. Therefore, no interference is warranted in the impugned order.

8. Mr. Patil further submitted that the Petitioner has entered into correspondence with the Respondent No.2-University, to nominate one teacher of the college/recognized institution as envisaged by the Statute 216 (A) (iii) to the inquiry committee. However, there has been no response thereto from the Respondent No.2 and, consequently, Inquiry Committee could not be constituted to inquire into serious allegations against the Respondent No.4.

9. Mr. Walawalkar, the learned Counsel for Respondent No.2-University, submits that within a period of two weeks, the Respondent No.2 would take the requisite steps to nominate a teacher/professor to the said committee.

10. The aforesaid statement of Mr. Walawalkar is accepted.

11. The Petition stands disposed.

[N. J. JAMADAR, J.]