

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.5289 OF 2024**

Manjusha Yogendra Patwardhan] .. Petitioner

vs.

State of Maharashtra

Through The Secretary Department of

Education & Ors.] .. Respondents

Mr.Ramesh Ramamurthy a/w Saikumar Ramamurthy for the Petitioner.

Ms.Jaymala Ostwal, Addl. G.P. a/w Usha Rahi, AGP for the State.

**CORAM : BHARATI DANGRE &
ASHWIN D. BHOBE, JJ**

DATE : 2nd JANUARY, 2025.

P.C.

1. The Petitioner, working as Assistant Professor, Department of Sociology in the Bhavan's Hazarimal Somani College of Arts & Commerce and Jayaramdas Patel College of Commerce & Management Studies, Mumbai, approached the Grievance Redressal Committee of University of Mumbai, under Section 79 of the Maharashtra Public University Act, 2016, being aggrieved by issuance of a show cause notice and the charge-sheet containing the imputation of charges of misconduct, as well as being aggrieved by the appointment of Inquiry Officer to conduct the enquiry.

The Grievance Committee finding merit and substance in the contentions raised by the Petitioner and specifically on the ground of delay, observed that it has affected the veracity of the charge and even rendered a finding, that it did not amount to misconduct, and as a consequence it quashed the charge-sheet dated 27/02/2024 and discharged the Petitioner.

In the operative portion the Grievance Committee directed the Respondent to drop the enquiry initiated against the Petitioner, pursuant to the charge-sheet having being quashed.

2. The Petitioner has now approached this Court with several reliefs, the primary being, consideration of her case for promotion as Professor under the Career Advancement Scheme (CAS), according to the selection held on 07/10/2023 by the Respondent University and to grant her promotion.

Mr. Ramamurthy, the learned counsel representing the Petitioner would insist that specific directions be issued to the Respondents to issue promotion order, particularly in the wake of the notice issued by him to the Management on 15/10/2024, when his request was reiterated, to which the Management responded on 23/10/2024 by stating as below :-

“Your client is aware that the Governing body of the College is the appointing and disciplinary authority. Any order passed with regard to the functioning of the College has been forwarded to the Governing Body for their consideration. The matter is under consideration by the Governing

Body, and the Governing Body is in consultation with their lawyers for the same.”

3. Since there is no denial about the entitlement of the Petitioner from the Management, and what Mr.Ramamurthy is apprehensive of, is the delay in conferring upon the Petitioner the promotional right, despite a decision being awarded in her favour by the Grievance Committee.

4. In light of the aforesaid, instead of issuing notice to the Respondents, we deem it appropriate to declare that there is no legal embargo in the Petitioner being promoted to the post of Professor, pursuant to her selection in CAS, as the enquiry proceedings are already dropped against her, unless there is some other reason for her not to be considered for promotion.

We expect the Respondent Nos.3 and 4 to forward the proposal for promotion of the Petitioner to Respondent No.2 – University of Mumbai within a period of three weeks from today and we expect the Respondent No.2 to take a decision thereupon within further period of two weeks.

With the aforesaid directions, Writ Petition stand disposed off.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)