



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.746 OF 2025

Mr Vivek S/o Ramesh Rao Barwat, Indraprastha Nagar, Nagpur

-vs-

Lokmanya Tilak Jan Kalyan Shikshan Sanshta, Laxmi Nagar, Nagpur and ors.

WITH

WRIT PETITION NO.752 OF 2025

Mrs Ashwini D/o Shrihari Gawarle, Saket Nagar, Nagpur

-vs-

Lokmanya Tilak Jan Kalyan Shikshan Sanshta, Laxmi Nagar, Nagpur and ors.

WITH

WRIT PETITION NO.753 OF 2025

Mr Rutesh S/o Sham Rao Lonkar, Jaitala, Nagpur

-vs-

Lokmanya Tilak Jan Kalyan Shikshan Sanshta, Laxmi Nagar, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Yash Venkatraman, Advocate for petitioners.

Shri H. D. Dangre, Advocate for Caveator/respondent Nos.1 and 2.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : February 11, 2025

Leave to amend so as to add 'the Department of Higher Education, through its Additional Chief Secretary, State of Maharashtra, Mantralaya, Mumbai – 400 032' as party respondent no.4.

We direct Shri D.V. Chauhan, Senior Advocate and Government Pleader appearing with Shri N.S. Rao, Assistant Government Pleader to waive service of notice for the respondent no.4.

2. To the preliminary objection raised by Shri H. D. Dangre, counsel appearing for respondent Nos.1 and 2, counsel for the petitioners submits that the petitioners shall be filing an appeal before the College Tribunal by 14/02/2025.

3. Statement is accepted.

4. It is not in dispute that the post of Presiding Officer of College Tribunal is vacant and as such, even if today the appeal is filed, same cannot be taken up for hearing.
5. In this background, we have heard the respective counsel for some time.
6. The contentions of the counsel for the petitioners are that the impugned order of termination is in contravention to the Statute-53 which provides for the confirmation of the teachers in Affiliated Colleges and Ordinance No.24 of the College Code.
7. The said argument is resisted by the counsel for respondent Nos.1 and 2 Shri Dangre who is appearing on Caveat. Shri Dangre, at this stage submits that in case the termination is on the basis of misconduct, the mandate provided by Statute-53 is not required to be adhered to and that the termination of the petitioner is after completion of full fledged inquiry.
8. There appears to be a debatable issue in the matter as regards applicability of Statute-53 so also Ordinance No.24.
9. In this background we direct respondent Nos.1 and 2 to submit their reply within a period of two weeks from today.
10. We are informed that already there operates an order of interim relief till tomorrow.
11. Though resisted by counsel Shri Dangre for respondent Nos.1 and 2, we are inclined to continue the interim relief which is already in operation till 03/03/2025.

12. We have already noted hereinabove that there is a vacancy of the Presiding Officer in the University and College Tribunal at Nagpur. Section 80 of the Maharashtra Public Universities Act, 2016 (for short, 'the Act of 2016') provides for University and College Tribunal for the adjudication of disputes between the employees of the universities and their respective university and between the employees of the affiliated or autonomous colleges or recognized institutions, which is to be presided over by a Presiding Officer to be appointed by the State Government. The said post has to be filled in by the State Government on full-time basis for a period of three years. It is the duty of the respondent no.3-University to provide the ministerial staff as may be necessary for discharge of its functions under the Act of 2016. Sub-Section 9 of Section 80 of the Act of 2016 deals with the occurrence of a vacancy of the Presiding Officer of the Tribunal and the duty of the State Government to fill in the same as soon as possible. The statute mandates that such post is to be filled in within a period of three months by appointing a qualified person.

We are informed that the post of the Presiding Officer is vacant for last more than three months and the State Government has not filled in the said vacancy till this date. As a sequel of this, the aggrieved employees like the petitioner are required to approach this Court.

13. That being so, we direct the respondent no.4-State Government to place on record an affidavit duly sworn in by the Additional Chief Secretary, Department of Higher Education demonstrating the steps taken by them in the matter of filling up the vacancy of the Presiding Officer, University and College Tribunal, Nagpur. We also expect the State Government to make a categorical statement as to the period within which the said vacancy would be filled in pursuant to sub-Section 9 of Section 80 of the Act of 2016.

The affidavit of the Additional Chief Secretary, Department of Higher Education be placed on record on or before the next date of hearing.

14. Stand over to 25/02/2025.

15. We direct Shri D.V. Chauhan, Senior Advocate and Government Pleader to communicate this order to the concerned authorities.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)