



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

WRIT PETITION NO. 5191/2023

Guru Nanak Institute of
Engineering and Technology,
Dahegoan, through its Principal,
Opp. IOC Petrol Pump, Kalmeshwar Road,
Nagpur- 441501 (Maharashtra)

....**PETITIONER**

....**VERSUS**....

1. Grievance Committee,
Rashtrasant Tukadoji
Maharaj Nagpur University,
Nagpur, through its Chairman,
Amravati Road, Ram Nagar, Nagpur-
440033 (Maharashtra)
2. The Registrar, Rashtrasant Tukadoji
Maharaj Nagpur University, Nagpur,
Amravati Road, Ram Nagar, Nagpur-
440033 (Maharashtra)
3. Shri Dilip L. Budhlani
Aged about 48 years old Occ.: Asst.
Professor (Currently under suspension),
R/o Govinda Gourkheda Complex,
A-9, S-2, Seminary Hills,
Nagpur-440006 (Maharashtra)

....**RESPONDENTS**

WITH
WRIT PETITION NO. 5192/2023

Guru Nanak Institute of
Engineering and Technology,
Dahegoan, through its Principal,
Opp. IOC Petrol Pump, Kalmeshwar Road,
Nagpur- 441501 (Maharashtra)

....PETITIONER

....VERSUS....

1. Grievance Committee,
Rashtrasant Tukadoji
Maharaj Nagpur University,
Nagpur, through its Chairman,
Amravati Road, Ram Nagar, Nagpur-
440033 (Maharashtra)
2. The Registrar, Rashtrasant Tukadoji
Maharaj Nagpur University, Nagpur,
Amravati Road, Ram Nagar, Nagpur-
440033 (Maharashtra)
3. Shri Pravin N. Bhise
Aged about 49 years old Occ.: Asst.
Professor (Currently under suspension),
R/o Govinda Gourkheda Complex,
A-9, S-2, Seminary Hills,
Nagpur-440006 (Maharashtra)

....RESPONDENTS

Shri A.K. Tripathi, Advocate a/w Ms Ayushi H. Dangre, Advocate for
petitioners
Shri D.R. Bhoyar, Advocate a/w Shri R.R. Dhawad, Advocate for respondent
Nos.1 and 2
Shri P.N. Shende, Advocate for respondents No.3

CORAM : ANIL L. PANSARE, J.

DATED : 31/07/2024

ORAL JUDGMENT

Heard.

2. **Rule.** Rule made returnable forthwith. By consent of learned Counsel appearing for the parties, the matter is taken up for final hearing at the stage of admission.

3. The petitioner-institution is aggrieved by two interim orders, both dated 06/05/2023, passed by the Grievance Committee, Rashtrasant Tukadoji Maharaj, Nagpur University, Nagpur (hereinafter referred to as the "Grievance Committee") in favour of respondents No.3 in the both petitions in Grievance Petition Nos. 10/2022 and 11/2022 in favour of respondents No.3 in the both petitions.

4. The Grievance Committee has directed the petitioner-institution to release full salary of respondents No.3, from the date on which the period of six months is

completed from the date of the suspension of the respondents No.3.

5. As stated earlier, these orders have been passed on 06/05/2023. The respondents No.3 in respective petitions lodged complaint on 16/03/2022 before the Grievance Committee, challenging the orders of suspension passed by the Society which runs the petitioner-institution. The suspension orders were passed on 11/03/2022 and 10/03/2022.

6. The Counsel for petitioner contends that on the date when the Grievance Committee has passed impugned orders, it had already lost jurisdiction.

7. On this point, I have heard both sides at length. Section 79 of the Maharashtra Public Universities Act, 2016 (hereinafter referred to as “the Act of 2016”) provides for constitution of Grievance Committee to deal with all types of grievances except the grievances against the State

Government including its officials, teachers and other employees of the university, affiliated and autonomous colleges and recognized institutions, other than those managed and maintained by the State Government, Central Government or a local authority; which are not within the jurisdiction of the University and College Tribunal.

8. Since Section 79 of the Act of 2016 did not provide for procedure to be adopted by the Grievance Committee to deal with grievances which are within its jurisdiction and which are brought before it by affected persons, the Vice Chancellor, on 25/02/2022, issued Directions to that effect under Direction No. 12/2022. These Directions have been issued under Sub Section (8) of Section 12 of the Act of 2016. Sub Section (8) of Section 12 of the Act of 2016 reads thus :

“12. Powers and duties of Vice-Chancellor.

(1) to (7)

(8) Where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but no Statutes, Ordinances or Regulations are made in that behalf or where there is an exigency to amend Statutes,

Ordinances or Regulations, the Vice-Chancellor may, for the time being, regulate the matter by issuing such directions as he thinks necessary, and shall, at the earliest opportunity thereafter, place them before the Management Council or other authority or body concerned for approval. He shall, at the same time, place before such authority or body for consideration the draft of the Statutes, Ordinances or Regulations, as the case may be, required to be made in that behalf:

Provided that, such direction shall have to be converted into Statute, Ordinance or Regulations as the case may be, within six months of issuing of such direction failing which such direction shall automatically lapse."

9. One can understand the importance of issuance of Directions from the wordings of Sub Section (8) of Section 12 of the Act of 2016. As is evident, the Directions will be required in an extraordinary situation where the Vice Chancellor finds that the matter is required to be regulated by the statute, ordinances or regulations, but no statutes, ordinances or regulations are made in that behalf. In such an eventuality, while the Vice Chancellor is empowered to issue Directions, he is duty-bound to place such Directions before the Management Council or concerned body, at the earlier, for approval and to also place draft of the statute, ordinances

or regulations, as the case may be. Considering the importance of issuance of Directions the proviso to Sub Section (8) further clarifies that such Direction if not converted into statute, ordinances or regulations, as the case may be, within six months, the Direction shall automatically lapse. This implies that the business required to be regulated by the statute cannot be regulated by Directions, which exists as a stop gap arrangement. The Vice Chancellor should, therefore, expeditiously place before the Management Council or concerned body, the said Direction for approval as also the draft of statute.

10. When enquired as to when did Vice Chancellor place the aforesaid Direction before the Management Council for approval, the Counsel for Grievance Committee, upon instructions, submits that it was never placed before the Management Council, nor was the draft of statute so placed.

11. This conduct only speaks of the casual and negligent approach of Vice Chancellor in handling the

important issue. The net result is, there is no approval to the aforesaid Direction nor was statute made in this behalf within six months from the date of issuance of the Directions.

12. The power to pass the interim order flows from Clause No. 20 of Direction. Sub Clause (1) thereof provides that the decision of the Grievance Committee shall, as far as possible, be in the form of an order of Civil Court. Clause – 2 thereof provides that 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 the same shall be considered by the Chairman while drafting the final order.

13. The learned Counsel for the petitioner is right in contending that the lapsed Directions, would automatically injunct Grievance Committee to proceed further with the grievances and to pass orders, interim or final.

14. As such, the Counsel for the Grievance Committee

made an attempt to justify the order by referring to Sub Section (6) of Section 79 of the Act of 2016. However, the said Sub Section only provides for the time to decide the grievance. Clause (6) provides that Grievance Committee shall hear, settle and decide the grievances within three months, from the date of filing of the complaint. In the present case, admittedly the grievances have been not decided within three months.

15. In any case, Section 79 of the Act of 2016 provides for constitution of Grievance Committee to deal with the grievances of officials, teachers and other employees of the University, etc. The procedure to deal with the grievances is not provided under Section 79 or any other provision of the Act of 2016. It is for this reason that the Vice Chancellor thought it necessary to issue the aforesaid Direction under Section 12 (8) of the Act of 2016. The Vice Chancellor however failed to place the Direction for approval before the Management Council and further failed to place draft statute. This Direction, which was to be converted into statute, is the

only source that would empower the Grievance Committee to process the grievances and pass order. In absence of approval, the Direction cannot be implemented, meaning thereby that the Grievance Committee could not have proceeded further.

16. Even otherwise, the Directions stood lapsed on 24/08/2022. The orders impugned have been passed on 06/05/2023. At that time, neither the Direction was in force nor was the statute.

17. In that view of the matter, the orders impugned are unsustainable in law. The Writ petitions are accordingly allowed. The orders dated 06/05/2023, passed by the Grievance Committee, Rashtrasant Tukadoji Maharaj, Nagpur University, Nagpur in Grievance Petition Nos. 10/2022 and 11/2022, are quashed and set aside.

18. I am informed that now the statute in this regard is in place. The Counsel for the respondents No.3, makes a request to direct the Grievance Committee to decide their grievances expeditiously.

20. The request being reasonable is accepted. The Grievance Committee shall decide the grievance put forth by respondents No.3, as expeditiously as possible.

21. Rule is made absolute in the above terms. No order as to costs.

(ANIL L. PANSARE, J.)

Jayashree ..