

(2025) 07 BOM CK 0266

In the Bombay High Court

Case No : Writ Petition No. 14685, Of 2024 With Writ Petition Nos. 14150, 14165, 14172, 14206, 17108, 18439 Of 2024

Babasaheb Dyanoba Garje

APPELLANT

Vs

Chaudhary Atar Singh Yadav Memorial Education Trust
through its President & Ors

RESPONDENT

Date of Decision : 15-07-2025

Acts Referred:

Constitution of India, 1950 — Article 226
Maharashtra Public Universities Act, 2016 — Section 79, 81, 108

Citation : (2025) 07 BOM CK 0266

Hon'ble Judges : Ravindra V. Ghuge, J;Gautam A. Ankhad, J

Bench : Division Bench

Advocate : Vaibhav Kulkarni, Prathamesh Deshpande, Disha Rathod, Yash Agarwal, Avinash Belge, Sugandh Deshmukh, Aniket Kanawade, Sandesh Shukla, Amit Singh, A. Saayed, Bhushan Bhadgale, Abhay Nevagi & Associates, Shrishailya S. Deshmukh, Anu C. Kaladharan, Anjali N. Helekar, Rajendra Anbhule, Nisha Ahire, Pooja Patil, K. S. Bapat, Druti Datar, Sangram B. Suryawanshi, S. B. Kalel, V. M. Mali, A. K. Naik, Nisha Mehra, S. B. Kalel, V. M. Mali, P. N. Diwan

Final Decision : Disposed Of

Judgement

Ravindra V. Ghuge, J

1. In all these matters, the individual Petitioners are those employees who had approached the Grievances Committees of the respective Universities, under Section 79 of the Maharashtra Public Universities Act, 2016. They are employed in the colleges which are affiliated to such Universities.

2. The common grievance voiced by the Petitioners is that, after the Grievances Committee delivers a verdict under Section 79, and if such decision is in their favour, two developments/eventualities are observed by these Petitioners. Firstly, the colleges out rightly refuse to implement the directions of the Grievances Committee. Secondly, the Colleges make a statement that they have filed Writ

Petitions before the learned Single Judge, and the proceedings are kept pending. Whenever the employee, who is the beneficiary of the order of the Grievances Committee, seeks implementation of the order by sending a representation or making an application to the management, the answer is that the order of the Grievances Committee is sub-judice in a Petition filed before the learned Single Judge of the High Court.

3. In the above backdrop, these Petitioners contend that they are practically rendered remediless and are made to run from pillar to post. They cannot get the benefits of the order of the Grievances Committee in the light of either of the above two stands which are normally taken by the Management.

4. We have considered the strenuous submissions of the learned Senior Advocates and the learned Advocates for the appearing parties.

5. Keeping in view the common grievance of these Petitioners before us, we deem it appropriate to issue certain guidelines in light of the Uniform Statute No. 1 of 2019, which is brought into effect by the Notification dated 1st January, 2019 issued under the Maharashtra Public Universities Act, 2016, by the Higher and Technical Education Department. The short title of the said Statute No. 1 of 2019 is "the Maharashtra Public Universities (Penalties to be imposed upon Erring Affiliated Colleges/Recognized Institutions) Uniform Statutes 2018" (hereinafter referred to as "the Penalties Uniform Statutes"). The Department of Higher and Technical Education has introduced the said Statute. It would be apposite to reproduce the same, more particularly clauses 2(1-10), 3(1-9), 4(1-8) and 5, hereunder:-

"2. Violation of Conditions. — An affiliated college or recognised institution or the management thereof, as the case may be, shall be liable for disciplinary action if it,—

(1) violates any of the conditions of affiliation/recognition as prescribed in sub-section of section 108 of the Act;

(2) acts in a manner prejudicial to the interest of the University and/or acts detrimental to the educational standards;

(3) submits eligibility forms, examination forms or any other forms beyond the date prescribed;

(4) neglects to take due care to maintain peaceful and proper atmosphere during the conduct of examinations;

(5) neglects to exercise due care in the smooth, proper and strict conduct of the examinations, leading to the instances of the mal-practices or adoption of unfair-means at the examination centres of the affiliated college or recognised institution ;

(6) permits or encourages directly or indirectly mal-practices in the conduct of examinations;

- (7) collects unauthorized or higher fees from the students ;
- (8) neglects to take appropriate disciplinary action as directed by the University against the Principal/ Director/teachers or other employees as per the relevant provisions in the Statute, Standard Code, or any other rules for the time being in force, as the case may be ;
- (9) neglects to implement or comply with the decisions of the Grievances Redressal Cells of the University constituted under the relevant provisions of the Maharashtra Public Universities Act, 2016 (Mah. Act. No. VI of 2017), appropriately and promptly ;
- (10) commits any other act which, in the opinion of the Management Council, is an act violating the conditions of affiliation/recognition, as the case may be, and/or other rules or directives or orders of the University.

3. Penalties.—The Management Council may impose any one or more of the following penalties upon the affiliated college or recognised institution or the management thereof, as the case may be, which if found guilty of an act of violation of any of the conditions specified in clause 2, commensuration with the gravity of an act of violation of conditions, namely :—

- (1) warning/reprimand ;
- (2) a fine not less than rupees ten thousand and not exceeding rupees ten lakh ;
- (3) prohibition to continue unauthorized division or course beyond the respective academic year ;
- (4) prohibiting the students to complete the unauthorized course or to appear for examination;
- (5) denial to accept the eligibility forms, examinations forms or any other forms submitted beyond the prescribed date ;
- (6) discontinuation of the centre for conducting the examinations for a specified period;
- (7) a fine of the amount equivalent to five times the total fees charged to the students admitted in excess along with the reduction in the strength in the courses or divisions or students for the subsequent years) not more than number of courses or divisions or students admitted in excess of the permitted strength for that academic year;
- (8) suspension of affiliation or recognition, as the case may be, and prohibiting new admissions of the students to the courses;
- (9) any other punitive action, as it may deem fit.

4. Procedure to Impose Penalties. —

- (1) Upon receipt of a complaint, or suo motu, if the Board of Deans is, prima-

facie, satisfied that the a?liated college or recognised institution or the management thereof, as the case may be, has committed violation of any of the conditions provided in clause 2, it shall issue a notice to the management of the erring a?liated college or recognised institution about alleged act of violating conditions and shall require the management to submit written explanation to the Pro-Vice- Chancellor, within a period of fifteen days. A copy of such notice shall also be sent to the Principal of the a?liated college or Head of the recognised institution, as the case may be ;

(2) In case the management fails to submit the written explanation within the stipulated period or admits the acts of violation of conditions indicated in the notice, the Board of Deans shall submit its report to the Management Council for deciding the quantum of penalties to be imposed upon the erring a?liated college or recognised institution or the management thereof, as the case may be ;

(3) If the management does not admit the acts of violation of conditions indicated in the notice, the Management Council shall appoint a committee to cause an inquiry into the matter ;

(4) The inquiry committee shall o?er reasonable opportunity to be heard to the University and to the management of the erring a?liated college or recognised institution to present their respective claims, with oral and documentary evidence. The inquiry committee shall record its findings on each act of violation of conditions indicated in the notice and shall also record the reasons for such findings. The inquiry committee shall complete the inquiry and submit the report to the Management Council, within thirty days from date of its constitution;

(5) The Management Council on the basis of the findings of the inquiry committee shall decide to impose, any or all of the penalties and fines prescribed in clause 3, as it may deem fit;

(6) Upon the Management Council deciding the quantum of penalties, the Board of Deans shall issue the management of the erring a?liated college or recognised institution, a final notice to show cause as to why penalty as decided by the Management Council should not be imposed on it and shall require the management to submit the writien explanation within a period of fifteen days. On receipt of the written explanation and or in absence thereof, the Board of Deans shall place the notice and the written explanation before the Management Council in its ensuing meeting, which shall, after taking consideration of the cause shown by the management of the erring a?liated college or recognised institution, decide the quantum of penalty to be imposed ;

(7) The Board of Deans shall inform the management of the erring a?liated college or recognised institution, of the penalty so imposed, within fifteen days from the date of decision of the Management Council ;

(8) If the management fails to comply with the order of the University imposing penalty, without any reasonable cause, within the period specified in the order, or

within such further period as may be allowed by the University, the management, shall be liable to pay-

(a) the fine which may extend to five thousand rupees per day, for the first default ;

(b) the fine which may extend to ten thousand rupees per day, for the second and subsequent defaults.

5. Effect of Imposition of Penalty. — Imposition of the penalty under this Statute does not imply in any event that the irregularity committed by the erring a?liated college/recognized institution or the management thereof, as the case may be, is regularised or waived. By order and in the name of the Governor of Maharashtra, SIDHARTH KHARAT, Joint Secretary to Government.”

6. It is beyond debate that any order of the Grievances Committee, which exercises quasi-judicial functions, against the College, can be assailed, by the Management, before the learned Single Judge Bench, in accordance with Rule 18 under Chapter XVII, of the Bombay High Court Appellate Side Rules, 1960. If it is against the Employee, he can approach the College and University Tribunal u/s 81.

7. If the University does not obey the order of the Grievances Committee, in the absence of a challenge to the same before the learned Single Judge Bench or if no interim relief is granted by the said Court, the Employee, who is the beneficiary of the Grievances Committee’s orders, usually approach this Court under Article 226 of the Constitution of India, seeking a Writ of Mandamus to command the Universities/Authorities to ensure that the decision of the Grievances Committee is implemented. We find that, seldom have the Employees followed the ‘Penalties Uniform Statute’ for seeking implementation of such orders/decisions.

8. There is no debate that under the Maharashtra Universities Act, 1994, the decision of the Grievances Redressal Committee (GRC), as it was then nomenclatured, used to be placed before the Management Council for ratification. The said decision became executable only after the Management Council approved it. Under the Maharashtra Public Universities Act, 2016, if the Complainant is aggrieved by the order of the Grievances Committee, he can approach the College and Universities Tribunal. If the Management is aggrieved by the decision of the Grievances Committee, it has to approach the learned Single Judge Bench of this Court.

9. We find from the various clauses of the Penalties Uniform Statutes that they are well equipped to empower the Universities to initiate appropriate action against the Management of Colleges, not only for ensuring the implementation of the orders of the Grievances Committee, but also for any neglect in exercising due care in the smooth, proper and strict conduct of the examination, which may lead to instances of malpractice or the use of unfair means at examination

centers. We find that the grievances brought before this Court by the Petitioners are addressed under Clauses 2(9) and 2(10), 3(1) to 3(9), 4(1) to 4(8), and Clause 5 of the 'Penalties Uniform Statutes'.

10. Clause 2(9) pertains to the neglects to implement or comply with the decisions of the Grievances Redressal Cells, promptly and appropriately. The last words in clause 2(9), indicate that it is the duty of the University to ensure that any act of a College or Authority, of not implementing the decisions of the Grievances Committee, appropriately and with promptitude, can be considered as a violation of the conditions, which could lead to a disciplinary action against the affiliated Colleges or Recognized Institutions. Under Clause 3, Penalties of a simple warning/reprimand and a fine not less than Rs. 10,000/- and not exceeding Rs. 10 lakhs, can also be imposed on erring Colleges. Clause 3 (9) allows the University to initiate any other punitive action as it may deem fit, which is a clear indication that the various penalties prescribed, are only illustrative in nature and not exhaustive.

11. Clause (4) prescribes the procedure to impose penalties, on receiving a complaint or even suo motu. This would indicate that a University can keep a watch on the non-implementation of the directions of the Grievances Committee and can also initiate suo motu action against an erring Management.

12. The learned Advocate, Mr. Kulkarni, has contended that there is a possibility that some Management may find it convenient to pay the fine and get away with the non-implementation of the order of the Grievances Committee. We are of the view that such a situation has an answer in Clause (5), which indicates that imposition of the penalties under this Statute does not imply in any event that the irregularity committed by the erring affiliated Colleges/Recognised Institution or the Management thereof, as the case may be, is regularized or waived.

13. The gamut of the grievance of the Petitioners is that after the Grievances Committee delivers its verdict, the University is under the impression that nothing more is required to be done. They do not pursue the matter for ensuring compliance of its directions. The Management merely files a Petition in the High Court and does not even circulate it. Eventually, the beneficiaries of the Grievances Committee's orders, are left high and dry.

14. We find that Clause 2(9) contains the words "appropriately and promptly", with reference to the implementation and compliance of the decisions of the Grievances Committee. The language found in sub clause (9) appears to be incorporated for ensuring that the decision of the Grievances Committee is to be implemented or complied with, appropriately and promptly. Promptitude, therefore, is an obligation on the College, as would be the appropriate implementation of the decisions. Whether an order has been appropriately complied with, would be a matter of debate as is rightly pointed out by the learned Senior Advocate, Mr. Bapat, with a further submission that it could be subjectively analysed as regards whether the compliance is made appropriately.

15. We are of the view that since the 'Penalties' and the 'Procedure to impose penalties', is an inbuilt mechanism in the Penalties Uniform Statute, the aggrieved parties can approach the Grievances Committee once again and set into motion the procedure for execution of the orders. Clause 4(1) permits filing of a complaint or suo motu cognizance, since the disobedience of the order of the Grievances Committee is construed to be in violation of the conditions of affiliation. An appropriate mechanism can be followed by the University under clause (4) for execution of the orders. The grievance of the aggrieved party that the order of the Grievances Committee is not appropriately implemented, could also be looked into by a Competent Authority as is prescribed under the said Statute.

16. Clause 4(1) indicates a violation of the conditions mentioned in clause (2). Clause 2(9) deals with the neglect to implement or comply with the decisions of the Grievances Committee, appropriately and with promptitude. Hence, such further grievances of the aggrieved persons could also be taken up by the Authority as is prescribed under clause (4), by following a particular procedure to execute the orders.

17. Considering the Judgment delivered by this Court on 2nd November, 2018, in Writ Petition No. 11906 of 2016 (Prakash Sambhaji Waghmare Vs. the State of Maharashtra and others), no affiliated Colleges or Institution can contend that it is not obliged to implement the orders of the Grievances Committee.

18. In view of the above, Writ Petition No. 1246 of 2024 and Writ Petition No. 13437 of 2023, which pertains to the assignment of the learned Single Judge, shall stand segregated and the Registry is directed to place these matters before the learned Single Judge.

19. Barring the above two Petitions, all other Writ Petitions before us, stand disposed off with the aforesaid observations and with the further direction to every University in the State of Maharashtra, covered under the Maharashtra Public Universities Act, 2016, to strictly abide by clause 2(9) read with clauses 3, 4 and 5 and initiate action against the Managements who have, either ignored the orders of the Grievances Committee, or have failed to challenge these orders and are not responding even to the representations of the Petitioners.

20. In the matters which are pending before the learned Single Judge, either without being circulated or pending for a long time without any ad-interim orders, the beneficiaries of the Grievances Committee's orders are always at liberty to approach the learned Single Judge for seeking directions. In cases where the Management claims that the orders of the Grievances Committee have been complied with, the aggrieved party is at liberty to invoke the provisions of the Penalties Uniform Statutes, 2018, to seek appropriate orders under the provisions enunciated therein.

21. Needless to state, since the decisions of the Grievances Committees/Cells are expected by the Uniform Penalties Statute to be implemented promptly and

appropriately, and in order to do justice to the parties and to ensure that the orders of the Grievance Committee are not rendered a mere paper arrangement, we direct that a reasonable period for implementation of the orders should be a period of 3 months from the date of the order or within such period as may be ordered by the Committee, save and except, in a case wherein an interim order is passed by the learned Single Judge in the Writ Petition filed by the aggrieved Management.