

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1141 OF 2021

Anup Shyamsundar Dhannawat

...Petitioner

Versus

Shreemati Nathibai Damodar Thackersey

Womens University And Ors.

...Respondents

Mr.C.R. Sadasivan a/w. Mr. Abdul Karim Khan, for the Petitioner.

Ms.Disha Vardhan a/w. Sachin Chandan, for Respondent No.1.

Ms.Prachi Tatake, AGP for Respondent Nos.2, 3 and 4.

**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 7 MAY 2024

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by:
HUSENBASHA
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NADAF
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P.C.:

. It is an admitted position that the Petitioner had worked with Respondent- University. The Petitioner's resignation dated 22 November 2018 is accepted by the University and the Petitioner is relieved from services on 28 March 2019. The acceptance by the University is unqualified.

2. In these circumstances, question would arise as to under which provision of service Rules applicable to the Petitioner and the Respondent- University, that the University has withheld / not carried out the pay fixation as prayed by the Petitioner.

3. We had passed an order on 15 January 2024 as also on 13 March 2024, at the request of the learned counsel for the

Respondent- University, to make this position clear yet the reply affidavit filed by the Respondent No.1- Registrar of the University is silent as regards the applicable Rule. The reply is only on the facts. We had expected that, at least after two orders of this Court, the Registrar of the Respondent- University would have traced the action of the University to a service rule, since the reply affidavit is filed after our orders.

4. We could have allowed the Petition today itself for failure of the Respondent- University to show the statutory provisions under which the impugned order/action is taken. However, again the learned counsel for the Respondent No.1- University seeks time. We place our disapproval on record. Only by way of indulgence, we defer the hearing to **18 June 2024** to file additional affidavit subject however to costs of Rs.10,000/- to be paid by Respondent No. 1- University to the Petitioner, before the next date.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)