

# Sinhgad Technical Education Society vs The State Of Maharashtra on 20 January, 2020

**Bench: Deepak Gupta, Aniruddha Bose**

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.992 OF 2020

SINHGAD TECHNICAL EDUCATION SOCIETY & ORS.

Petitioners

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent

WITH

SPECIAL LEAVE PETITION (CIVIL) NO.1747 OF 2020

O R D E R

The Petitioners – Singhad Technical Education Society & Others have filed these Special Leave Petitions challenging the order dated 17.12.2019 passed by the High Court of Judicature at Bombay in Writ Petition Nos.3983 of 2019 and 6435 of 2019, whereby the request of the petitioners for grant of interim stay was rejected and the earlier statement made by the learned counsel for the private respondents was permitted to be withdrawn.

In view of the order which we intend to pass, we are not referring to the facts in detail.

The Petitioner Society has a number of colleges throughout the State of Maharashtra. The Society has various employees including the contesting respondents.

These respondents were transferred Date: 2020.01.22 17:10:39 IST Reason:

from one institution to another run by the Petitioner Society. The contesting respondents challenged their transfer on various grounds before the Grievance Redressal Committee constituted under Section 79 of the Maharashtra Public

Universities Act, 2016. The Grievance Committee decided the issue in favour of the employees.

The Petitioner-Society thereafter filed Writ Petitions in the High Court of Judicature at Bombay.

Learned counsel for the private respondents submitted before the High Court that they would not insist on being put back to their original places from which they had been transferred. This situation continued for 7/8 months.

Thereafter, by the impugned order, the High Court refused to accept the prayer of the petitioners to grant stay and permitted the learned counsel for the private respondents to withdraw his earlier statement that they would not seek re-transfer. At this stage, without expressing any opinion on merits, we are only noting that the contesting respondents have been relieved from their original place of posting and have been asked to join the places where they have been transferred. Some of them have joined and some have yet to join.

By not granting the stay, the writ petitions of the Society virtually became infructuous. We are of the view that in a matter like the present one, the stay order should have been granted. We, accordingly set-aside the order of the High Court and direct that the order of the Grievance Redressal Committee shall remain stayed till the Writ Petitions are finally disposed of by the High Court.

We may clarify that out of the contesting respondents, Mr. Shashibhushan P. Adgaonkar, learned counsel has put in appearance on behalf of the caveators/respondents no.5, 7, 8, 10, 12 to 28 in SLP (Civil) No.992 of 2020 and respondents no.5 to 18 in SLP (Civil) No.1747 of 2020. It is submitted by the learned counsel that respondents no.6, 9, 11 and 29 in SLP (Civil) No.992 of 2020 are proforma respondents, who have either resigned or have been re- transferred to their original place of postings and as such they have no interest in contesting the matter.

Keeping in view the controversy involved in these matters, we are of the opinion that the issue is creating little bad blood in the University. We feel that it would be in the interest of justice if the Writ Petitions are decided at the earliest possible and preferably on or before 31.03.2020.

With the aforesaid observations, the Special Leave Petitions are disposed of.

.....J. [DEEPAK GUPTA] .....J. [ANIRUDDHA BOSE] NEW DELHI;

JANUARY 20, 2020

ITEM NO.17+57

COURT NO.15

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.992/2020 (Arising out of impugned final judgment and order dated 17-12-2019 in WP No.3983/2019 passed by the High Court Of Judicature At Bombay) SINGHAGAD TECHNICAL EDUCATION SOCIETY & ORS. Petitioner(s) VERSUS STATE OF MAHARASHTRA & ORS. Respondent(s) WITH Date : 20-01-2020 These petitions were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA HON'BLE MR. JUSTICE ANIRUDDHA BOSE For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.

Mr. Nikhil Rohatgi, Adv.

Mr. Kapil Arora, Adv.

Mr. Juvraj Singh Bindra, Adv.

Ms. Aditi Tambi, Adv.

M/s. Cyril Amarchand Mangaldas Aor, AOR For Respondent(s) Mr. Anirudha Joshi, Adv.

Mr. Shashibhushan P. Adgaonkar, Adv. Ms. Pradnya S. Adgaonkar, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR UPON hearing the counsel the Court made the following O R D E R The Special Leave Petitions are disposed of, in terms of the Signed Order.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)  
COURT MASTER

(PRADEEP KUMAR)  
BRANCH OFFICER

(Signed Order is placed on the File)