

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8331 OF 2012

Sudhir Premchand Jadhav

...Petitioner

VERSUS

The State of Maharashtra and others

...Respondents

.....
Mr. S.M. Godsay, advocate for Petitioner (absent)
Mr. S.K. Kadam, A.G.P. for Respondent No.1
Mr. G.D. Jain h/f Mr. A.B. Girase, advocate for respondent Nos. 2 and 3
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**CORAM : MOHIT S. SHAH, C.J. &
V. K. JADHAV, J.**

DATE : 28TH AUGUST, 2015

ORDER:-

1. This petition is filed under Article 226 of the Constitution of India. The petitioner has prayed for directions to North Maharashtra University, Jalgaon to accept the petitioner's nomination from reserved category to the Member of Senate of Respondent University.

2. The impugned decision of the Registrar, North Maharashtra University, Jalgaon to reject the petitioner's nomination was taken on 17.2.2011. Having regard to the fact that the term of Senate to which

the Petitioner was seeking election for the period of five years from the date of the result of the election i.e. March, 2011, out of the same, a period of four years and five months has already lapsed, we are not inclined to entertain the petition in exercise of our extraordinary and discretionary writ jurisdiction under Article 226 of the Constitution of India.

3. We may refer to the affidavit dated 3.4.2013 of Dr. A.B. Sali, Joint Director of Higher Education, Jalgaon Region, Jalgaon, filed on behalf of the State Government, indicating that as per the provisions of Section 108 of Maharashtra Universities Act 1994, if any question arises as to whether a person has been duly elected or appointed or nominated or co-opted as or is entitled to be a Member of any authority or body of the University, the matter may be referred, on petition by any person or body directly affected, to the Chancellor, who shall, after taking such advice as he thinks necessary, decide the issue finally.

4. It is submitted, on behalf of the Respondent-State, that the Petitioner was required to avail of the above alternate remedy before approaching this Court.

5. Be that as it may, having regard to the fact that the petition

itself came to be filed in September, 2012, and a period of four years and five months has already elapsed after the result of the elections, we are not inclined to entertain this writ petition. The writ petition is accordingly disposed of.

V. K. JADHAV, J.

CHIEF JUSTICE

rlj/