

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

Writ Petition No. 1888 of 2015

[Milind s/o Bhaurao Sathe Vs. Rashtra Sant Tukdoji Maharaj Nagpur
University, Nagpur through its Registrar and ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's order
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Shri S. P. Bhandarkar, Advocate for the petitioner
Shri J. Mokadam, Advocate for respondent nos. 1 to 3, 6 & 7
Shri B. G. Kulkarni, Advocate for respondent nos. 4 & 5

**CORAM : Smt. Vasanti A. Naik and
Prasanna B. Varale, JJ.**

DATE : 14-12-2015.

Heard.

The learned counsel for the petitioner states that though the Board of Examination relied on the report submitted by the committee constituted by the Board under sub-section 6 of Section 32 of the Maharashtra Universities Act, 1994 for debarring the petitioner from examination work for a period of two years, neither was a copy of the report of the committee supplied to the petitioner nor did the Board of Examination give any opportunity to the petitioner before taking disciplinary action in furtherance of the enquiry report. It is stated that in almost similar set of facts, this Court had, by an order dated 21-4-2015 partly allowed Writ Petition No. 1652/2015 and directed the University to supply a copy of the report and grant an opportunity of hearing to the petitioner therein within a time-frame. It is stated that similar directions may be issued in

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this case also.

The learned counsel for the respondents do not dispute that the petitioner is not granted an opportunity by the Board of Examination before disqualifying the petitioner from examination work for a period of two years. It is clear from the provisions of Section 32 of the Maharashtra Universities Act, 1994 that the Board of Examination would be entitled to take disciplinary action against the person involved in malpractices only after granting an opportunity to the person concerned.

Hence, we quash and set aside the impugned order and direct the respondent – University to grant an opportunity of hearing to the petitioner before taking action on the report of the committee constituted under Section 32(6) of the Maharashtra Universities Act, 1994. We direct the respondent – University to grant hearing to the petitioner within a period of four weeks and take a decision in the matter as early as possible. The writ petition is disposed of in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

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