

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2422 OF 2014

Anil Nilkantharao Mahalle

-vs-

Rashtrasant Tukdoji Maharaj Nagpur University and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.N.R.Saboo, counsel for the petitioner.
Mr.S.M.Puranik, counsel for the respondent No.1.
Mr.Anand Parchure, counsel for the respondent No.2.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 19.06.2015.

Heard.

By this petition, the petitioner impugns the order of the respondent no.1-University imposing the penalty of permanently debarring the petitioner from examination work and withdrawing the recognition/approval of the petitioner in that regard.

Shri Saboo, the learned Counsel for the petitioner *inter alia* submitted that the impugned order is liable to be set aside as the petitioner was not served with a show cause notice before passing the impugned order. It is stated that no allegations or imputations were levelled against the petitioner at any point of time and the petitioner was never asked to show cause against any allegations or imputations. It is stated that no man could be condemned unheard and in this case the University has imposed a serious punishment of debarring the petitioner from examination work for seven years without granting a fair opportunity to the petitioner.

The learned Counsel for the University submitted that the petitioner has committed a serious malpractice and he was called by the University to give evidence in respect of the malpractices that were found to have been committed in the College. It is, however, admitted that no allegations or imputations were levelled against the petitioner and the petitioner was never asked to show cause against any imputations or allegations.

Since the petitioner was not granted a fair opportunity before the petitioner was condemned, the impugned order is liable to be set aside. It was necessary for the respondent–University to issue a notice to the petitioner, asking the petitioner to show cause against the charges, imputations or allegations against the petitioner. The respondent–University, however, did not issue any show cause notice to the petitioner. By a couple of communications the petitioner was only asked to remain present to give his statement in respect of malpractices that were allegedly committed in the college.

Since the principles of natural justice have been violated by the University before imposing the penalty, the impugned order is quashed and set aside. The respondent–University is, however, free to take appropriate action against the petitioner in accordance with law.

Order accordingly. No order as to costs.

JUDGE

JUDGE