

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

WRIT PETITION No. 3694/2013.

Ganesh Institute of Technology, Nagpur.

VERSUS

The University Grants Commission and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATE : FEBRUARY 23, 2015.

Heard Shri B.G. Kulkarni, learned Counsel
for the petitioner and Shri N.S. Deshpande, learned
Counsel for respondent no.2. None appears for
respondent no.1 though served.

Respondent no.2 is deemed University in
terms of Section 3 of the University Grants Commission
Act, 1956. It recognized petitioner as one of the
institutes, where courses recognized by it can be
taught/undertaken. Petitioner Institute accordingly

enrolled about 117 students. Those students have been duly examined on 07.06.2013, and their results have also been declared by the respondent no.2.

The petitioner institute is before this Court for a direction to respondent no.2 to issue mark sheet of those students and their degrees/diplomas, as per law.

Respondent no.1 University Grants Commission though served has chosen not to appear. Respondent no.2 has filed reply affidavit. Shri N.S. Deshpande, learned counsel appearing for said respondent relies upon assertions in paragraph no.3 of the said reply to submit that charges receivable by the respondent no.2 in relation to 117 students have not been paid, and as such petitioner Institute cannot seek any relief.

He has also submitted that National Centre for Internship Studies has on 27.09.2010, extended necessary approval to the petitioner and according to the petitioner said National Centre has collected necessary fees and charges. As the fees and charges are not received by respondent no.2, said Centre ought

to have been joined as party and petition cannot be adjudicated effectively in its absence.

In reply, learned counsel for petitioner submits that National Centre is an agent of respondent no.2. He further submits that respondent no.2 has not placed on record any communication sent by it either to the present petitioner or to National Centre, complaining about non receipt of fees and charges.

Arguments advanced above show that 117 students were duly enrolled by the respondent no.2 deemed University. Not only this, on 06.07.2013 respondent no.2 also conducted their examination and after evaluation of their performance, declared their result also.

Respondent no.2 has not produced before this Court any communication sent by it either to the petitioner or to National Centre for Internship Studies that it had not received examination fees and other charges. Copy of any such communication is also not produced before this Court. Thus, for the first time in reply affidavit, a disputed question is sought to be raised.

Having examined the students and declared their result, refusal on the part of respondent no.2 University to issue mark-sheet and degrees/ diplomas certificates cannot be seen, but, as arbitrary. This is high handed action on their part. It is seen that the respondent no.1 has also not taken any action against the respondent no.2, though period of 1 ½ years has already expired.

In this situation, we direct the respondent no.2 to issue necessary mark-sheet and degrees / diplomas certificates to 117 students as per result declared by it, within a period of four weeks from today. We also direct the respondent no.1 to hold suitable enquiry into the matter and to take necessary action against said respondent, as per law, within next four months to see that such instances are not repeated.

With these directions, we partly allow the petition and dispose of the same. No costs.

JUDGE

JUDGE

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