

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.9775 OF 2005

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ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

The petitioners pray for the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the first and second respondent in introduction and continuation of the course of Post Graduation Diploma in Jyotirvastu as illegal, arbitrary and violative of Preamble, Arts. 14, 15, 17 38, 39(b) and 51-A(h) and consequentially direct the respondents to discontinue the course of post Graduation Diploma in Jyotirvastu and/or to direct the respondent to appoint a committee of experts having eminent persons from the field of medicine, engineering, academics and scientists to study whether the contents of the course Jyothir vastu PG Diploma has any scientific basis to be continued as a course at post graduate level and pass such other appropriate order or orders as may be deemed fit and proper in the circumstances of the case”.

Dr.Y.Padmavathi, learned counsel for the petitioners, vehemently contends that the commencement and continuation of Post Graduation Diploma in Jyotirvasthu course is illegal, unconstitutional, encourages superstition, discrimination on the basis of caste/creed and without proper study of course content, the said Post Graduation Diploma is introduced, continued in the

1st respondent University and prays for setting aside the diploma course. She alternatively contends that this Court constitutes an expert body to study the content or syllabus of Jyotirvasthu Post Graduation Diploma course and makes recommendations for continuation or discontinuation of the course by the 1st respondent University.

Mr.A.Sanjeev Kumar, learned Special Government Pleader, submits that the writ petition is filed without a demand for enforcement of right and on this ground, the writ petition is liable to be dismissed. According to him, a committee was constituted for

review of course, its content and the report was submitted to the expert academic body of 1st respondent University and on being satisfied, the University through the decision of senate has introduced Post Graduation Diploma in Jyothirvasthu course. He submits that no exception can be taken to the course which is being taught for several years.

Learned counsel for the petitioners, by way of reply, submits that the petitioners would be satisfied if they are given copy of the available report with the 1st respondent University and that the petitioners are given liberty to make representation/objection against the introduction/continuation of diploma course with a further direction to 1st respondent to dispose of the representation by passing orders.

Learned Special Government Pleader informs the Court that the 1st respondent does not have objection to furnish copy of report of the committee to the petitioners and the 1st respondent will

also consider the representation, if any, made by petitioners and dispose of accordingly. In view of the limited submissions, we are satisfied that without examining the merits of the matter, the writ petition can be disposed of by this order:

“The 1st respondent is directed to furnish copy of expert report prepared for introduction or continuation of Jyotirvasthu Post Graduation Diploma course within six weeks from the date of receipt of a copy of this order to the 1st petitioner and the petitioners are given a further time of six weeks thereafter to submit explanation/objection to the syllabi/course of Post Graduation Diploma in Jyothirvasthu and the same is considered and disposed of by the 1st respondent within a further period of six weeks thereafter .

It is made clear that as the issue is in the exclusive realm of academics and the opinion of experts is with the University, it shall not be construed at this stage that we have given our thought to the rival submissions of the parties. If the petitioners are aggrieved by the communication of 1st respondent as directed above, they are at

liberty to avail the remedies available in law”.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 26.11.2015

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