

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7604 OF 2016

Dr. Tushar Nivruti Nikalje

... Petitioner

vs.

Pune University and ors.

... Respondents

Mr. Sanjay C. Prabhu, Advocate for the petitioner.

Mr. Rajendra Anbhule, Advocate for respondents no.1 and 2.

Ms. K. R. Kulkarni, A.G.P. for respondents no. 3 to 5.

Coram : Smt. R. P. SondurBaldota, J.

Date : 20th September, 2016

P.C. :

1. This petition challenges the order dated 14th December, 2015 passed by the College Tribunal, Pune on the application made by the petitioner under Section 68(2) of the Maharashtra Universities Act, 1994 for condonation of delay in filing appeal in matter of refusal of admission to "Post Doctoral Research" by the respondent.

2. The petitioner had sought to explain the delay by stating that he could not get the relevant documents in time. He had to apply for the documents under the Right to Information Act. Then he approached the Civil Court, other authorities, the authorities in the Education Department and also High Court Legal Services Authority. Finally, he

was directed to approach the District Legal Services Authority.

3. The learned Presiding Officer of the College Tribunal has observed in the impugned order that the letter dated 25th April, 2013 which the petitioner has been treating as denial of admission to "Post Doctoral Research", is not an order of denial. It is a mere intimation to the petitioner that no course by name "Post Doctoral Research" is available in Pune University. Besides the petitioner has nowhere mentioned the particular date on which his application for admission was rejected by Pune University and the date on which cause of action arose for him for the purpose of calculating the extent of delay. Since the letter dated 25th April, 2013 is not an order, it is only an intimation, that did not give rise to any cause of action to the petitioner. Therefore there can be no computation of period of limitation as claimed by the petitioner. Besides there could be no application filed under Section 68(2) of Maharashtra Universities Act, 1994 for want of an order giving rise to the cause of action to the petitioner.

4. The above observations are justified by the material on record. Perusal of the letter dated 25th April, 2013 shows that it does not contain rejection of any application by the petitioner. Hence, there is no infirmity in the impugned order. The petition is dismissed.

[Smt. R. P. SondurBaldota, J.]