

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

WRIT PETITION NO. 1155/2015.

Jainuddin Mohasinbhai Jawheri

-VERSUS-

State of Maharashtra and another

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
& P.N. DESHMUKH, JJ.

DATE : APRIL 11, 2016.

Heard Shri A.S. Kilor, learned Counsel for the petitioner, Ms. Rane, learned A.G.P. for respondent no.1 and Shri N.D. Khamborkar, learned Counsel for respondent no.2, for some time.

2. Petitioner nominated on University under Section 30[1][ix] of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 as a progressive agriculturist on 09.01.2014 claims that the statutory period is of three years and it cannot be curtailed.

3. Shri Kilor, learned counsel appearing for the petitioner submits that if it is to be curtailed, opportunity of hearing must be given to the petitioner. He further points out that by the impugned communication dated 08.01.2015, without assigning any reason the nomination has been terminated. Even in reply affidavit filed in this petition by the respondents, no reason are assigned. He adds that appointment or nomination has to be in terms of Statute 3, Clause 6 appearing in Chapter II of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Statutes, 1990. Therefore, the State Government does not have power to cancel the same.

4. Learned A.G.P. as also learned Counsel appearing for other respondent, rely upon the reply affidavits or submissions filed on record. Learned A.G.P. states that the appointment or nomination of petitioner can always be looked into by the State Government and it is at the

pleasure of the State Government.

5. Section 30[1][ix] of the 1982 Act, provides for nomination of 5 progressive farmers by Pro-Vice Chancellor. Clause 6 of Statute 3 stipulates that upon receipt of the request from the Vice Chancellor, the Pro-Vice Chancellor shall nominate the progressive farmers on the Executive Council. It is further declared that such progressive farmers becomes members of the Executive Council for three years from the date of their nomination.

6. Prima facie therefore, it is difficult to see any role of the State Government in the said process. This Court has on 04.03.2015, granted stay and therefore, the petitioner continues to be member of the Executive Council.

7. In this situation, instead of keeping the matter pending here, we find it convenient to direct the respondent no.1 to pass appropriate orders in the matter after hearing the petitioner. The impugned order dated 08.01.2015 shall not

come in the way of the respondent no.1 in passing such fresh orders.

8. Fresh orders shall be passed by respondent no.1 within a period of three months, after communication of this order to it. The petitioner shall be provided an opportunity of hearing in the matter.

9. If the order passed is adverse to the petitioner, the same shall not be given effect for a period of four weeks from its passing.

10. Writ Petition is, accordingly disposed of with this direction. No costs.

JUDGE

JUDGE

Rqd.