

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

WRIT PETITION NO.1781/2016

Late Shri Dnyaneshwarji Menghare Bahuuddeshiya Shikshan Sanstha, Nagpur
through its President and another

...Versus...

Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur, through its Registrar,
Civil Lines, Nagpur

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

Court's or Judge's orders

Shri B.G. Kulkarni, Advocate for petitioners
Shri P.B. Patil, Advocate for respondent

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 15.03.2016

By this petition, the petitioners seek a direction to the respondent – University to accept the enrollment forms and the examination forms of the students of B.Sc. Part-I and B.A. Part-I studying in the petitioner no.2 – College for the academic session 2015-16.

According to the petitioners, though the petitioner no.1 – Society was granted permission to start the College from the academic session 2013-14, the petitioner – Society was not able to make the appointment of a Principal and permanent teachers in the College, as permission was not granted by the respondent- University to make such appointments till 5.1.2016. It is stated that the petitioner no.2 – College has appointed

eleven contributory teachers to teach the students studying in B.Sc. Part-I and B.A. Part-I degree course. It is stated that since the petitioners were not at fault in not making the appointment of permanent teachers in the College, the respondent – University should be directed to accept the enrollment forms and the examination forms of the students studying in B.Sc. Part-I and B.A. Part-I for the academic session 2015-16.

Shri Patil, the learned Counsel for the respondent – University has tendered an affidavit-in-reply of the respondent – University in the Court today. The same is accepted on record. According to the respondent – University, the Management, that has filed the petition was under a legal obligation to appoint the necessary staff but it has not made the appointments despite repeated directions of the University and the State Government. It is stated that the petitioner – Management has not taken any steps to appoint the permanent teachers though the University had permitted the Management to fill twelve posts of lecturers and the post of the Principal by the letter of approval, dated 12.6.2014. It is stated that despite the permission, dated 12.6.2014, the petitioners have not appointed any permanent teachers in the petitioner no.2 – College. It is stated that since the post of Principal is an isolated post, it was necessary for the petitioners to issue an advertisement calling applications for appointment on the post of Principal, in pursuance of the permission granted to the petitioner – Society on 12.6.2014. It is stated that the Management has however issued the advertisement for appointment of Principal only on 18.2.2016. It is stated that the petitioners are at fault and in this background, a

writ of mandamus may not be issued against the respondent – University asking it to accept the enrollment forms and the examination forms of the students. It is stated that since the examination commences on 17.03.2016 it would not be possible for the University to hurriedly take steps to grant enrollment numbers to the students studying in the petitioner no.2 – College and make arrangements for their appearance at the examination. It is stated that firstly the petitioners are at fault and secondly the petitioners have approached this Court belatedly at the 11th hour, seeking the aforesaid relief.

On hearing the learned Counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondent - University, it appears that the relief sought by the petitioners cannot be granted. The petitioner no.1 – Society is running the petitioner no.2 – College since past three years. The petitioners have not taken any steps whatsoever, to appoint the Principal and the permanent teachers despite the permission granted by the University to fill the said posts in June, 2014. It is fairly admitted by the learned Counsel for the petitioners at this stage, after seeking instructions that despite the grant of permission in July, 2014 to fill the post of Principal, which is an isolated post, an advertisement to fill the post of the Principal was not issued till a month before the writ petition was filed. It is apparent that no steps were taken by the petitioners to appoint a regular Principal or at least one permanent teacher who could do the needful, during the past three years. For the first time the advertisement is issued by the petitioners to fill the post of Principal and the other teaching staff in February, 2016. There is much force in the

submission made on behalf of the University that the petitioners are clearly at fault in not making the necessary appointments for ensuring that quality education is imparted in the petitioner no.2 – College. In the circumstances of the case, as rightly submitted on behalf of the respondent, the relief, as sought by the petitioners cannot be granted, more so, when the students have not approached this Court for seeking the aforesaid relief.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar