

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

WRIT PETITION NO.2244 OF 2016

(Piyush Nemichand Dhoot vs. Sant Gadgebaba Amravati University and others)

WITH WRIT PETITION NO. 2285 OF 2016

(Gaurav Anil Malviya vs. Sant Gadgebaba Amravati University and others)

WITH WRIT PETITION NO. 2286 OF 2016

(Arpit Pradeep Gadail and others vs. Sant Gadgebaba Amravati University and others)

Office Notes, Office Memoranda of

Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri H.S. Chitale, Advocate for petitioners.

Shri N.S. Badhe, Advocate for respondent nos.1 to 3.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JULY 26, 2016

A student each in Writ Petition Nos.2244/2016 and 2285/2016 and four students together in Writ Petition No. 2286/2016, all studying in different Colleges, are before this Court questioning orders of University debaring them from further examinations because of use of malpractices in concerned examinations. They point out that without following due procedure and in breach of principles of natural justice, punishment has been imposed.

This Court initially issued notice and

thereafter interim orders have been passed in Writ Petition Nos. 2244/2016 and 2285/2016. Students therein have been permitted to appear for next examination provisionally subject to outcome of the challenge before this Court.

In Writ Petition No. 2286/2016, interim orders have not been pressed for as examination of University is scheduled to commence in the month of August 2016.

Though respective Colleges are served, they have chosen not to appear. Adv. Badhe appearing for respondent University, which has passed the impugned orders, on telephonic instructions, states that respondent University is ready and willing to extend due opportunity to all the petitioners. He further submits that if the matter is made time bound, finding on use of unfair means or otherwise can be reached before August 2016, i.e. before commencement of examination of four students, who are petitioners in Writ Petition No.2286/2016.

In view of this fair statement, Adv. Chitale for petitioners has no objection if enquiries are undertaken as per law and decided in time bound manner.

In view of this development, we quash

and set aside the impugned orders dated 19/1/2016 passed by competent Authority and orders dated 4/3/2016 passed in review. We direct respondent University to extend necessary opportunity to all the petitioners and to complete enquiry within a period of fifteen days from today. The petitioners are directed to appear before University for the said purpose on 29/7/2016 and to abide by further instructions of University in the matter.

Interim orders granted to petitioners in Writ Petition Nos. 2244/2016 and 2285/2016 shall be subject to outcome of such enquiry to be conducted by University.

If for any reasons, orders cannot be passed, all petitioners including petitioners in Writ Petition No.2286/2016 shall be permitted provisionally to appear for next ensuing examination. The performance of petitioners in said examination shall be subject to orders of University in the matter of use of unfair means.

All writ petitions are thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani
Private Secretary

Uploaded on :

27/07/2016