

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 WRIT PETITION NO. 9103 OF 2017

NARENDRA HIRALAL KALE
VERSUS
REGISTRAR DR BABASAHEB AMBEDKAR MARATHWADA
UNIVERSITY AURANGABAD

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Advocate for Petitioner : Mr. Khandare N.B.
Advocate for Respondents : Mr. Chapalgaonkar S.G. For R/1

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**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 24.07.2017**

P.C. :-

. Heard both sides.

2. Mr. Khandare, invites our attention to the communication/letter styled as office clarification appearing at page 23 of the paper book. The apprehension of the petitioner is that he would not be termed as registered graduate and within the meaning of the Maharashtra Public Universities Act, 2016, thereupon, he would be deprived of his opportunity to get himself registered as a voter and consequently even contesting any elections.

3. The petitioner would submit that the new law, namely, Maharashtra Public Universities Act, 2016 is to provide for academic

autonomy, and excellence adequate representation to democratic process, transformation, strengthening and regulating higher education and for matters collected therewith incidental thereto. On promulgation of this law, though, the petitioner was earlier a graduate and acquired a bachelors degree in Dental Surgery in the year 2001 conferred by the respondent-University, but he completed his education from Government Dental College, Aurangabad which was falling within the jurisdiction or purview of the Maharashtra University of Health Sciences. To the extent the courses of health sciences are concerned they were carved out and brought within the purview of the Maharashtra Health University Act. It may be that the Maharashtra Health University Act has a provision of registering a graduate, but having not provided for any opportunities and in tune with the Maharashtra Public Universities Act, 2016 does not mean that the registration or otherwise of the petitioner under the Health Universities Act would make it ineligible for claiming the registration under the Maharashtra Public Universities Act, 2016. In other words, this registration under Maharashtra Public Universities Act, 2016/ Maharashtra Act VI of 2017 is distinct and can be claimed even by the petitioner. The clarification may not be, therefore, in accordance with the provisions of the Act. In any event it is a office clarification and not a specific order.

4. When all this was put to Mr. Chapalgaonkar he stated, on instructions, that the Vice Chancellor of the respondent-university irrespective of any office clarification and issued to the petitioner will examine the request of the petitioner and pass the requisite orders on merits and in accordance with law, latest by 31.07.2017.

5. We accept the statement made by Mr. Chapalgaonkar on instructions as an undertaking given to this Court.

6. In view thereof and by keeping open all contentions for being raised at an appropriate stage and in the event the petitioner is aggrieved by the orders/directions of the Vice Chancellor, we dispose of this petition.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]