

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5373 OF 2018

Sharmila Ashok Sabale .. Petitioner
Versus
Vilas D. Nandavadekar,
Election Officer & Ors. .. Respondents

Mr. C.G.Gavnekar with Gautam Hiranandani for petitioner
Mr. A.B.Borkar for respondent No.1.

CORAM : B.R.GAVAI &
BHARATI H. DANGRE, JJ.

DATE : 2nd May 2018.

P.C.

The petition challenges the acceptance of nomination papers of respondent No.3 for the election to the Management Council from the category of section 30(4)(j) of the Maharashtra Public Universities Act, 2016. (for short Said Act).

2] It is the contention of Mr. Gavnekar, learned Counsel for the petitioner that the posts as are provided under section 30 (4)(j) are to be filled in from the Teacher Member of Academic Council who are elected on the Council and not from the members who are either

selected or nominated by the Vice Chancellor.

3] Undisputedly, the constitution of Academic Council as provided by section 32(g) provides that apart from two teachers representing each faculty who are required to be elected by the collegium of teachers, the Academic Council also consists of members who are nominated by Vice Chancellor.

4] For appreciating the submissions as advanced by the learned Counsel for the petitioner, it would be relevant to refer to clause (j) of sub-section (4) of section 30 of the said Act.

“30(4)(j): Two members elected by the Academic Council from amongst its members, one of whom shall be from amongst the elected teachers who are members of the Council and another shall be a woman”

5] It would thus be seen that two members are to be elected on the Academic Council. A perusal of the said sub-section would reveal that two members are to be elected from amongst the

members. However, it clear provides that one of them shall be from amongst elected teachers who are members of the Council and another shall be a woman. It would thus be seen that the one seat is required to be filled in by a member of Academic Council who is elected to the Council from the constituency of Council. However, insofar as second seat is concerned it is required to be filled in by a woman candidate. There is no requirement that the said women candidate must also be from amongst the elected teachers/ members.

6] On the first principle of interpretation, we are of the considered view that one post will have to be filled in from the elected teacher/member who can either be a man or woman. However, insofar as the post reserved for woman is concerned, there is no such restriction and any woman can contest the election.

7] In that view of the matter, the petition is dismissed.

(BHARATI H. DANGRE, J)

(B.R.GAVAI, J.)