

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1027 WRIT PETITION NO.12084 OF 2019

SHRI DATTAKRUPA SHIKSHANIK VA KRUSHI GRAMVIKAS
PRATISTHAN GHARGAON THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. V.D. Sapkal, Advocate for the petitioner.
Mr. S.B. Narwade, A.G.P. for respondent No.1.
Mr. P.G. Rodge, Advocate for respondent No.2.

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CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.

DATE : 13 December 2019.

ORDER :-

. Heard learned Counsel for the parties. The petition challenges the order dated 07.09.2019 passed by the Registrar with the consent of Hon'ble Chancellor. The impugned order dated 07.09.2019 runs in two parts. The first part purports to be suspension of permission for running the Course of Diploma in Animal Husbandry and Milk Production granted to the petitioner by letter dated 27.08.2019, on the ground that there were two institutions in the same area. The second part cancels the permission granted vide letter dated 27.08.2019. The same is challenged on the ground that the prescribed procedure for the same has not been followed.

2. The procedure for cancellation is prescribed under Section 38 of the Maharashtra Animal and Fishery Sciences University Act, 1998. The motion for such withdrawal has to be initiated only in the Academic Council. The member of the Council who intends to move such motion has to give notice thereon in writing stating the grounds on which it is to be made and before taking motion into consideration, the Academic Council shall send a copy of notice and written statement to the Head of Institution concerned with intimation that any representation in writing submitted within a period specified in the intimation on behalf of the Institution shall be considered by the Academic Council.

3. In the instant case, the procedure as laid down in Section 38 of the Maharashtra Animal and Fishery Sciences University Act, 1998 has not been followed. The said procedure was imperative to be followed as it purported to cancel the permission already granted to the petitioner. In that light of the matter, the order dated 07.09.2019 cannot be sustained. The same is, therefore, quashed and set aside. However, it will be open for respondents to initiate whatever action as is permissible under law by following due procedure under Section 38 of the Maharashtra Animal and Fishery Sciences University Act, 1998.

4. The Writ Petition is disposed of. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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