

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

**CONT. PETITION NO.914 OF 2018
IN WP/3708/2018**

**APPASAHEB BHAUSAHEB HUMBE
VERSUS
CHENNAMANENI VIDYASAGAR RAO**

**WITH
CONT. PETITION NO.916 OF 2018
IN WP/244/2018**

**VILAS BHIKAJI KHANDARE
VERSUS
CHENNAMANENI VIDYASAGAR RAO**

Mr.Shambhuraje V. Deshmukh, Advocate for the
petitioner
Mr.A.R.Kale, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 21.01.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. The petitioner is before this Court with a grievance of non-compliance of the order of this Court dated 18.04.2014 in writ petition No.3708/2018 in the bunch of the petitions namely writ petition No.3708/2018 and other connected writ petitions.

Copy of the order is placed on record alongwith present petition at Exh.A. Perusal of the order shows that petitioner was permitted to add State Government and Chancellor of the University as party respondent and considering the provision of Section 140 of the Maharashtra Public Universities Act, 2016 wherein the Chancellor is vest with power to decide the questions refers to in the provisions raised either by any person or body or suo-moto by the Vice-Chancellor and brought before the Chancellor, the Chancellor to decide the question and this decision shall be final. The division bench also refers to challenge in the petition namely to the election of members who have been nominated on the board of studies as the Chairman. It was also submitted before this Court that the petitioners have tendered the representation to the Chancellor, then further observing that the petitioner shall have liberty to tender an appropriate appeal within contemplation of section 140 of the said Act within stipulated period of fifteen days from the date of order. The division bench disposed of the petition with direction that the appeal presented before the Hon'ble Chancellor shall be decided by the Chancellor in accordance with law, as expeditiously

as possible, and preferably within three months from the date of order of this Court.

3. The petitioner was raising grievance of non-compliance before us on 16.01.2019. Learned AGP was directed by us to establish contact with the office of the Chancellor and to seek instructions. Learned AGP firstly invited our attention to earlier communication issued through the Assistant Secretary of State of Maharashtra wherein a reference was made to directions of the Chancellor seeking a preliminary report. In the said communication dated 23.03.2018 it was stated that Dr. S.S.Patil, Formal Vice-Chancellor was appointed as an Enquiry Officer for conducting preliminary enquiry and it was expected of receiving a preliminary report from the Enquiry Officer within two months. Learned counsel for the petitioner submitted that the inordinate delay in the matter may frustrate the purpose of approaching this Court.

4. Considering this grievance, again the learned AGP was directed to take instructions. Learned AGP placed before us a communication received by the office of Government Pleader through

the Principle Secretary. Learned AGP also submitted that an Officer from the Joint Director of Higher Education Department, Aurangabad is also present. The communication dated 19.01.2019 shows that under the directions of the Chancellor fresh committee of Enquiry Officer is appointed and the same constitutes of members of Vice Chancellor, Shirpur, Kolhapur Registrar of North Maharashtra University, Jalgaon, Joint Director of Higher Education Officer, Aurangabad Division, Aurangabad and the Senior Law Officer of Pune University, Pune. The State Government by way of communication dated 17.01.2019 requested the committee members to submit their fact finding and clear report within three days. The Registrar of Dr. Babasaheb Ambedkar Marathwada University, Aurangabad is requested to provide all the relevant material record to the committee which would be required by the committee for arriving at its decision report. Learned AGP on oral instructions submitted before us that on receiving the report from the committee the Hon'ble Chancellor would take decision as expeditiously as possible and may endeavor to decide the same within a month if possible.

5. We see no reason not to accept this statement of the learned AGP. In view of the communication referred to above received by the Office of the Government Pleader and the statement made before this Court on behalf of the Hon'ble Chancellor through learned AGP the purpose of filing the petition is served.

6. Accordingly, the contempt petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]