

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.15070 OF 2019 IN

WRIT PETITION NO.11980 OF 2019

AND

CIVIL APPLICATION NO.15071 OF 2019 IN

WRIT PETITION NO.12001/2019

SHANKAR BHAGWAN AMBHORE

VERSUS

HONBLE CHANCELLOR DR BABASAHEB AMBEDKAR MARATHWADA

UNIVERSITY AURANGABAD AND OTHE

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Advocate for Applicant : Mr.Sushant V. Dixit i/b

Mr.V.J.Dixit, Sr.Counsel

AGP for Respondent No.1 : Mr.N.T.Bhagat

Advocate for Respondent No.2 : Mr.S.S.Vidwans

Advocate for Respondent No.3 : Mr.S.V.Deshmukh

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 18th December, 2019.

PER COURT :-

1. In both the civil applications, the applicant, original petitioner, has prayed for deferring the meeting of the Board of Studies for

Economics, scheduled on 19/12/2019. It is also prayed that the Academic Council meeting scheduled on 31/12/2019, also be deferred. The contention is that the petition preferred by the applicant-petitioner challenging his disqualification as Chairman of the Board of Studies for Economics is pending before this Court.

2. The learned senior Advocate appearing on behalf of the applicant, original petitioner, has strenuously contended that since a substantive petition challenging his disqualification, by the order of the Hon'ble Chancellor, as Chairman of the Board of Studies, is pending before this Court, the meeting of the Board of Studies scheduled on 19/12/2019 and the meeting of the Academic Council scheduled on 31/12/2019 deserves to be deferred. The petitioner needs to participate in both these vital meetings since academic curriculum as well as certain sensitive academic matters will have to be taken up as per the Agenda. It is further contended that the petitioner has a very

good case and has every hope of succeeding in the petitions.

3. The learned A.G.P submits that this Court may peruse its earlier order dated 30/09/2019 and pass an appropriate order.

4. The learned Advocates appearing on behalf of the University and respondent No.3, strenuously opposed this civil application. Contention is that, the Hon'ble Chancellor has considered the law, the factors involved in the case of the petitioner and by proper application of mind, has passed the order disqualifying the petitioner as a Chairman of the Board of Studies for the subject of Economics. He further submits that a person who has been disqualified, cannot be reinstated as an interim measure as it amounts to granting final relief at an interim stage. He adds that the meeting of the Board of Studies and the meeting of the Academic Council are vital and extremely important for conducting academic affairs and curriculum of the University.

5. In the light of the submissions of the parties, I have perused the detailed order passed by me on 30/09/2019. I have arrived at a prima-facie conclusion that the petitioner was rightly disqualified by the Honourable Chancellor. I have assigned specific reasons in support of the prima-facie conclusion. The Writ Petitions, will have to be taken up for final hearing as and when the matter would deserve consideration keeping in view that it is filed in 2019. For the convenience of the parties, the petitions have not been admitted since admitting a petition would lock the parties for at least 10 years in this Court.

6. Considering the above and the reasons assigned by me in the order dated 30/09/2019 declining interim relief to the petitioner, both these civil applications are rejected.

(RAVINDRA V. GHUGE, J.)