

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Misc. Civil Application No.1304 of 2018 (for Review)

In

Writ Petition No.8037 of 2018 (D)

Sunil Gayaprasad Mishra, Nagpur

Versus

The Chancellor, RTM Nagpur University, Raj Bhavan, Malbar Hills, Mumbai-32, and
another.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Sunil G. Mishra, Petitioner in person.

Shri S.M. Ukey, Additional Government Pleader for Respondents.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 7th January, 2019

On 28-11-2018, this Court dismissed Writ Petition No.8037 of 2018 filed by the present petitioner seeking direction to the respondent Nos.1 and 2 to decide the application dated 18-6-2018 filed by him, seeking academic audit of R.T.M. Nagpur University, Nagpur, within a period of two weeks. This Court noted that the petitioner was unable to point out any provision of law by which the respondents can be compelled to conduct the academic audit. The reliance placed upon the provision of sub-section (5) of Section 8 of the Maharashtra Universities Act, 1994 was considered and it was held that the provision confers discretion upon the State Government to carry out the test audit or full audit of the accounts of any university,

college, school or institution and it does not pertain to academic audit. It was observed specifically that no other provision is brought to our notice by the petitioner, to issue a writ of mandamus to perform the academic audit.

On the same day, subsequent to the delivery of the order, the petitioner appeared before us and tried to point out the provision under the Maharashtra Public Universities Act, 2016, brought into force with effect from 11-1-2017. We refused to consider the oral request made by the petitioner and expressed that if the petitioner desires, he can file an application for review, if so permissible in law. Accordingly, this review application has been filed by the petitioner.

By way of review application, the petitioner has invited our attention to Section 5(82) of the Maharashtra Public Universities Act, 2016 read with Section 37(1)(j) therein to urge that it is the statutory duty to conduct the academic audit of the university departments, colleges, affiliated colleges, institutions or schools, at regular intervals. We find that the said Act came into force on 11-1-2017.

We need not address on the provisions of the Maharashtra Public Universities Act, 2016 cited before us, for the reason that the said Act was in force when this petition was heard and

dismissed. At any rate, the Apex Court, as pointed out by the petitioner appearing in person, has observed in its order dated 28-4-2017 passed in Civil Appeal Nos.5706-5707 of 2017 that the High Court could not have directed for involvement of the present petitioner, who was the respondent in the said appeals, and also to give him supervisory right, which is impermissible in law. The Apex Court set aside the direction where the High Court created a right in favour of the present petitioner to have a role in the University.

In view of this, the review application is dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)