

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 3988 OF 2020

1. Ajay Vijayrao Gavane,  
Age-39 years,  
Occupation – Agriculture,  
R/o – Gavane Road, Parbhani
2. Limbaji Dnyanobarao Bhosle,  
Age-50 years,  
Occupation – Agriculture,  
R/o – Shirkalas, post – Shirkalas,  
Tq. Purna, District – Parbhani.
3. Balaji Ramrao Desai,  
Age-59 years,  
Occupation – Agriculture,  
R/o – Chudawa,  
Tq. Purna, District – Parbhani.
4. Sharad Sakharam Hiwale,  
Age-45 years,  
Occupation – Agriculture,  
R/o – Ramdasnagar, Karegaon Road,  
District – Parbhani. ...Petitioners

Versus

1. The State of Maharashtra  
Through  
The Secretary,  
Department of Agriculture,  
Hutatma Rajguru Chowk, Madam Kama Marg,  
Mantralaya, Maharashtra State,  
Mumbai – 400 032.
2. Vasantrao Naik Marathwada Agricultural  
University, At Parbhani, (referred henceforth  
as VNMAU, through the Vice Chancellor.
3. Maharashtra Council of Agricultural Education  
and Research, R/o : 132/13 Bhamburda,  
Bhosale Nagar, Pune 411 007. ...Respondents

Mr Milind Patil, Advocate for Petitioners  
Mr P.S. Patil, Addl. G.P. for Respondent No. 1/State  
Mr M.N. Navandar, Advocate for Respondent No. 2  
Mr S.K. Kadam, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA AND  
SHRIKANT D. KULKARNI, JJ.**

**DATE : 2<sup>nd</sup> DECEMBER, 2020**

**ORAL JUDGMENT : (PER S.V. GANGAPURWALA, J. )**

1. Rule. Rule made returnable forthwith. With the consent of learned counsel for respective parties taken up for final hearing.

2. The petitioners are nominated on the Executive Council of respondent No. 2 – University under notifications dated 09.09.2019, 25.06.2018, 11.07.2018 and 10.08.2018 respectively. The appointments were until further orders or for a period of three years, whichever is earlier.

3. The similar issue was dealt with by this Bench in Writ Petition No. 802 of 2015 and Writ Petition No. 1168 of 2015 the said writ petitions are decided by a common judgment dated 21.07.2016, to which one of us (S.V. Gangapurwala, J.) was a party. In the said judgment it is observed thus :

“11. There cannot be any dispute with the proposition that, if, ‘doctrine of pleasure’ is applied the same was unbridled power to remove the person who has been nominated but

then, the said power is to be prescribed by the Statute. In the present case, the Statute nowhere give right to the Government to remove the members nominated as its pleasure. The only provision dealing with the ceasession of the membership even of a nominated members is section 61 of the statute. Only two contingencies are provided therein i.e. the member may resign or he is convicted by a competent court for an offence involving moral turpitude save and except the same there is no other provision dealing with the ceasession of membership of a nominated member to the Executive Council.

12. Even if, it is assumed that the State has exercised its powers and has acted at its pleasure still even applicability of the said doctrine has not been properly resorted to by the Respondent in as much as no cause is spelt out in the orders cancelling the nominations of the Petitioners. The orders do not state the reason nor the affidavit states that the cause existed for cancelling the nominations of the Petitioners the Government cannot act arbitrarily. The orders do not whisper about the cause, the same is not reflected even by the circumstances nor by the affidavit in reply filed by the Respondents.

13. As this court in Writ Petition No. 2949/2015 vide order dated 6.5.2016 had observed that, even while invoking the doctrine of pleasure it is imperative that cause must exist in absence thereof the orders cancelling the nominations are bad in law.”

4. In the present matter also, the similar provisions are involved. The orders do not state the reason for cancelling the nominations of the petitioners.

5. In light of the above, the impugned notifications, qua the petitioners are quashed and set aside. Rule is made absolute in terms of prayer clause (B). No costs.

**[ SHRIKANT D. KULKARNI, J. ]**

**[ S.V. GANGAPURWALA, J. ]**

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