

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

WRIT PETITION NO. 6689/2019

- 1] Yugantar Education Society, Nagpur
through its Secretary, Ganesh
Madhaorao Gaurkhed, aged 67 years,
having office at Balasaheb Tirpude Marg,
Near Income Tax Bhawan, Civil Lines,
Nagpur.
- 2] Tirpude College of Social Work, Nagpur
through its Principal, Dr. Deepak Rushi
Masram, aged 55 years, Balasaheb
Tirpude Marg, Near Income Tax Bhawan,
Civil Lines, Nagpur.

.... **PETITIONER(S)**

// VERSUS //

- 1] Rashtrasant Tukadoji Maharaj Nagpur
University, Nagpur through its Registrar,
Civil Lines, Nagpur.
- 2] The State of Maharashtra through its
Secretary, Department of Higher and
Technical Education, Mantralaya,
Mumbai-32
- 3] The State of Maharashtra through its
Secretary, Department of Social Justice
and Special Assistance, Mantralaya,
Mumbai-32.
- 4] University Grants Commission through
its Member Secretary, Bahadur Shah
Jafar Marg, New Delhi-110002.

.... **RESPONDENT(S)**

Shri B.G. Kulkarni, Advocate for the petitioner(s)
Shri S.M. Puranik, Advocate for the respondent no.1
Mrs. K.S. Joshi, Additional G. P for the respondent no. 2 & 3
Shri A.S. Agrawal, Advocate for the respondent no.4.

CORAM : S. B. SHUKRE & AVINASH G. GHAROTE, JJ.

DATED : 17/09/2020

ORAL JUDGMENT : (PER:- AVINASH G. GHAROTE, J.)

1] **RULE.** Rule made returnable forthwith. Heard the respective counsels for the parties.

2] The petitioner challenges the communication dated 16.07.2019 issued by the respondent no.1 which is in pursuance to the earlier communications dated 02.07.2019 and 08.07.2019 made by the petitioner.

3] It is not in dispute that the petitioner is an autonomous college which has been granted that status vide Notification dated 02.04.2019 which is at page 33 of the petition. The petitioner intended to start teaching new courses as stated in the communication dated 02.07.2019 from Sr. nos. 3 to 18. The petitioner claims that being an autonomous college, the U.G.C. Regulations dated 12.02.2018 applied to it.

4] Mr Kulkarni, learned counsel for the petitioner specifically invites our attention to Regulations 3.2, 3.4, 3.11, 4.3, 10.1, and 10.2 to contend that the petitioner being an autonomous college, has the right to start new courses. He further invites our attention to the Notification dated 14.1.2019 issued by the State of Maharashtra in exercise of power conferred by Sub-section (10) of Section 72 read with Sub Section (7) of Section 71 and Section 122 of the Maharashtra Public Universities Act, 2019 relating to norms for grant of autonomy to affiliate Colleges namely Uniform Statute No.3 of 2019 and specifically to the provisions as contend in Regulations 3 (1)(iv), 3 (3), 3 (5), 4 (5), 10.1 and 10.2 which are in consonance with the U.G.C. Regulations in this regard, as referred to above. He, therefore, submits that the communication issued by the University dated 16.07.2009, is not tenable in law, in view of which the petitioner is seeking the reliefs, as claimed in the petition.

5] Perusal of the U.G.C. Regulations and the provisions of Uniform Statute No. 3 of 2019 clearly indicate the position of the autonomous colleges and the rights, powers, privileges and duties and responsibilities conferred upon them. They also indicate the limited role to be played by the University in the matter. Thus the individual roles, rights, benefits, privileges and duties of the autonomous college

and the university have been specified and categorised separately and operate in separate fields. These regulations/provisions also indicate the specific role which the university has to play in the matter. If each of the Stake holders, perform the individual role/duty as assigned to them, in the exercise of the above provisions, the question of any dichotomy arising between the autonomous colleges and the University does not arise at all. We do not see any conflict between the above two provisions namely the U.G.C. Regulations 2018 and the Uniform Statute No. 3/2019 as they clearly specify the duties and rights of the university as well as those of the autonomous body/Institution, in light of which, we do not see any controversy to be decided, in this petition. In fact we do not see any reason whatsoever, for the petitioner to have written the communications dt.2/7/2019 and 8/7/2019, to the respondent no.1/University, considering the limited role the University has to play in the matter of courses to be opened and run by the Autonomous Institutions like the petitioner. Suffice it to say that the provisions of the Regulations 2018 and Uniform Statute No.3/2019, being clear and specific, we expect the University and the autonomous college to play their individual role as assigned to them under them.

6] The petition is therefore accordingly disposed of in light of the above. Rule accordingly.

JUDGE

JUDGE

R.S. Sahare