

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

901 WRIT PETITION NO.3954 OF 2020

Dattatraya Bhausahab Pansare, ... **Petitioner**
Age 46 years, Occu: Business
R/o Manik Nagar, Opp. Shilapa Gardan
Lane No.2, Shri Dattakrupa Niwas,
Ahmednagar

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Agriculture, Animal Husbandry, Dairy
Development and Fisheries Department,
Mantralaya, Mumbai- 32
2. Mahatma Phule Krishi Vidyapeeth, Rahuri, ... **Respondents**
Tq. Rahuri, Dist. Ahmednagar
Through its Registrar.

Mr. N. B. Khandare, Advocate for the petitioner
Mr. S. g. Karlekar, A.G.P. for respondent State
Mr. Manish N. Navandar, Advocate for respondents No.2

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 19th January, 2021

ORDER

1. Rule. Rule returnable forthwith. With the consent of learned counsel for respective parties taken up for final hearing.
2. The petitioner is nominated on the Executive Council of respondent No.2 - University under notification dated 22.08.2019. The appointment was 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, the '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 at its pleasure. The only provision dealing with the ceasession of the membership even of a nominated member 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 does 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 does 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. Nomination of the petitioner is canceled by the State by order dated 05.03.2019. The order does not state the reason for cancelling the

nomination of the petitioner.

5. In light of the above, the impugned notification, is quashed and set aside.

6. Rule is made absolute in terms of prayer clause (B). No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC