

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

3 WRIT PETITION NO.7212 OF 2020

PROFESSOR PRASHANT SHAMRAO AMRUTKAR
VERSUS
THE VICE CHANCELLOR DR. BABASAHEB AMBEDKAR
MARATHWADA UNIVERSITY THROUGH REGISTRAR AND
OTHERS

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Advocate for Petitioner : Mr. R. S. Deshmukh (Senior
Advocate) i/b Mr. Deshmukh Devang R.
Advocate for Respondent Nos.1 to 3 : Mr. S. S. Thombre.
AGP for Respondent No.4 - State : Mr. S. B. Yawalkar.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 27.09.2021

PER COURT :-

1. The petitioner has put forth prayer clause 'C' as under :-

"C) Rule may kindly be made absolute by allowing this Writ Petition, thereby quashing and setting aside the impugned Letter/Order dated 03.10.2020 (Annexure - 'M' collectively) issued from the office of the Director, Board of Examinations and Evaluation, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad/Respondent No.3, whereby the recognition of Petitioner as Research Guide came to be cancelled."

2. This matter was extensively heard on 24.09.2021. After

considering the submissions of the learned senior advocate on behalf of the petitioner and the learned advocate on behalf of the University, we perused Section 48(5)(a) of the Maharashtra Public Universities Act, 2016 (herein after referred to as 'Universities Act') and we also referred to the Ordinance 1009 of the Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. It is undisputed that Ordinance 1009 has been ratified and has been made applicable to the University.

3. The learned advocate for the University has placed before us a communication received by him dated 24.09.2021 issued by the Registrar of the Dr. Babasaheb Ambedkar Marathwada University informing him that the University would follow the procedure as is laid down in Ordinance 1009(F)(14). Copy of the said communication is marked as "X-1" for identification.

4. The learned senior advocate submits that the inclination of the University to follow a procedure laid down under ordinance 1009(F)(14) is one thing to say and an illegal enquiry having been conducted against the petitioner under Section 48(5)(a) of the Universities Act, is another thing.

5. We have noticed that the core issue raised before us is with regard to a grievance by a research scholar alleging that the petitioner had asked for illegal gratification. An enquiry, which was the basis of the impugned order, was conducted under Section 48(5)(a), which reads as under :

"48(5)(a) - In order to investigate and take disciplinary action for failure to comply with the order of the university for rendering assistance or service in respect of examinations by or on behalf of the university or evaluation of students or formal practices and lapses on the part of candidates, paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations including the pre-examination stage and the post-examination stage or at any stage whatsoever, the Board of Examinations and Evaluation shall constitute a committee of not more than five persons of whom one shall be the Chairperson."

6. In our view, considering the complaint against the Petitioner, it is obvious that the Committee formed by the Vice Chancellor of the University is non-est. A complaint by a research scholar against a research guide would not fall within the ambit of the Constitution of a Committee for conducting an inquiry under Section 48(5)(a). Naturally, the powers of the Vice Chancellor or any authority constituted under Section 47 and 48 of the Universities Act would not allow the University

to proceed on the report submitted by a Committee under Section 48(5)(a), as the Constitution of the said Committee, is illegal.

7. Our conclusion as above is independently based on our interpretation of Section 48(5)(a). Nevertheless, we are fortified by ordinance 1009(F)(14) which provides for redressal of grievances. The said provision reads as under :

“Redressal of Grievances :-

There shall be Grievance Redressal Committee consisting of the following members to address grievances of the research scholar, supervisors (including Co-supervisor) and Head Place of Research :-

- (i) Pro-Vice-Chancellor (Chairperson)*
- (ii) Dean of the concerned faculty*
- (iii) Nominee of the Vice-Chancellor*
- (iv) The Head, Place of Research (If the complaint is by or against the Head or the Dean, he/she shall not participate in the proceedings of the meeting of the committee as a member. In such cases additional member/s shall be nominated by the Vice-Chancellor).*

The Grievance Redressal Committee shall have the jurisdiction to hear and decide the dispute between the research scholar and his/her supervisor (including Co-supervisor) or between the research scholar and Head, Place of Research pertaining to admission in place of research, allotment of supervisor, demand of fee more than prescribed and any other similar dispute affecting the research of the research scholar.

In case of the complaint regarding the sexual harassment the research scholar shall submit a complaint to the Internal Complaint Committee (ICC) as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Committee after giving adequate opportunity of hearing to the concerned parties shall submit its report to the Vice-Chancellor as soon as possible. The Vice-Chancellor shall take decision on the report of the Committee by giving hearing to the concerned parties, if he considers it necessary. The decision of the Vice-Chancellor shall be final and binding on the parties.”

8. It is obvious that the Grievance Redressal Committee has to be constituted for considering and for deciding a dispute between the research scholar and his/her superior (including co-supervisor) or between the research scholar and his Head. This clause would, therefore, include a dispute being raised by a research scholar against his superior which would mean and include his research guide. The learned counsel for the University submits on the basis of the communication "X-1" that the University would follow the procedure as is prescribed under 1009(F)(14).

9. In view of the above, this petition is partly allowed. The impugned decision of the University dated 03.10.2020

“Annexure - M” collectively (three letters referred to in Annexure - M) to the petition paper book, is quashed and set aside. Consequentially, the petitioner would stand reinstated on the position from which he was removed, on account of the impugned order which we have quashed and set aside.

10. Before parting with this matter, we deem it appropriate to advise the University that though ordinance 1009(F)(14) provides for dealing with a grievance of a research scholar against the superior or against the Head, which would include a Research guide, to place this aspect in the correct perspective, it would be appropriate to add the word “research guide” therein, so as to avoid any ambiguity.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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