

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

WRIT PETITION NO. 449 OF 2021

Dattatraya Bhausahab Pansare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.

Mrs. V. S. Choudhari, A.G.P. for the Respondent No. 1.

Shri P. G. Rodge, Advocate for the Respondent No. 2.

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

DATE : 01ST FEBRUARY, 2021.

FINAL ORDER :

. The petitioner is nominated on the Executive Council of respondent No. 2 - University under notification dated 18.02.2019. The appointment was until further orders or for a period of three years, whichever is earlier.

2. 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 whileinvoking 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 order does not state the reason for cancelling the nomination of the petitioner.

5. In light of the above, the impugned notification, qua the

petitioner is quashed and set aside.

6. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 21