

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.1396 OF 2020
IN
WRIT PETITION NO. 7300 OF 2017

Vivek Ramchandra Vishwarupe

..vs..

Sant Gadge Baba Amravati University, Amravati, thr. The Vice Chancellor and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V. Samarth, Senior Advocate a/w Shri S.S. Bhalerao,
Advocate for applicant.
Ms. K.K. Pathak, Advocate for non-applicant/respondent no.1.
Shri Pruthu Abhyankar, Advocate for non-applicant/respondent
nos. 2 and 3.

CORAM : V.M. DESHPANDE AND VINAY JOSHI, JJ.
DATED : 16/12/2021

Heard Shri M.V. Samarth, learned Senior Counsel with Shri S.S. Bhalerao, learned Counsel for the applicant, Ms. K.K. Pathak, learned Counsel for non-applicant No.1, Shri Pruthu Abhyankar, learned Counsel for non-applicant/respondent Nos. 2 and 3.

2. This is an application for speaking to minutes with a prayer which reads as below : -

“The petitioner therefore prays that the typographical mistake in the last line of Para 4 of the order passed by this Hon’ble Court on 08.01.2019 which reads as under,

“Petitioner was the only candidate for interview for the post of Principal, the position has ‘not’ become irreversible.”

May be corrected and allowed to be read as under ,

“petitioner was the only candidate for interview for the post of principal, position has ‘now’ become irreversible.”

3. This application is made under assumption that this Court has mistakenly mentioned the word “not” in place of “now” in paragraph 4 of the order dated 08.01.2019.

4. Initially, Writ Petition No. 7300 of 2017 was filed raising a challenge to the report of the Scrutiny Committee constituted for fixing an Academic Performance Indicator (API score). The requisite score qualifying for the post of Principal was 400, however, the Scrutiny Committee has assessed the petitioner’s score as 320. Being aggrieved by such wrong calculation of API score, the petitioner has principally come to this Court. It was urged that while calculating API score, the Scrutiny Committee in total disregard to the 4th amendment of the University Grants Commission (UGC) vide notification dated 11.07.2016, calculated API score. This Court while deciding Writ Petition has accepted the petitioner’s stand that API score was not calculated in accordance with the direction No. 6 of 2017 read with 4th amendment of UGC notification dated 11.07.2016. With such a principle finding, this Court has set aside the entire process of Selection Committee with a liberty to the respondents to conduct fresh selection process. Not

only that the Court expressed to conduct fresh process once, but it has expressed twice in paragraphs 4 and 5 of the judgment.

5. In such a backdrop, the petitioner states that in last line of paragraph 4, the word “not” has been mistakenly typed in place of the word “now”. While granting relief and directing respondents to conduct fresh process, this Court expressed that the position has not become irreversible and therefore, the direction for fresh process was issued. Had it been the fact that it was in the mind of Court, that position has now become irreversible, then it would not have directed to have a fresh process. Thus, the word “not” which is sought to be replaced has been consciously mentioned which is in-consonance with the observations and directions of this Court.

6. Pertinent to note that the Writ Petition was disposed of on 08.01.2019. Thereafter, in pursuance of permission granted by this Court, the Management has commenced a fresh process by way of an Advertisement. Having been noting of commencement of fresh process, the petitioner has filed Contempt Petition No.265 of 2019 seeking contempt for the reason that fresh process was commenced against the order of the Court. This Court while disposing the Contempt Petition, has once again expressed that there was no contempt in initiating fresh process. On such expression, the Contempt Petition came to be withdrawn. It can be easily persuade that the clear

phraseology was used by this Court that, the position has not become irreversible. In other words, it was expressed that position has not become irreversible, hence, directed to conduct fresh process.

7. It is argued that this Court ought to have directed to properly calculate API score and to proceed from that stage instead of directing fresh process. As a matter of fact said relief was not granted, which cannot be urged under the guise of speaking to minutes by circumlocution. The petitioner after failure in contempt petition has belatedly come for change of word to suit his purpose.

8. In view of the above, We hold that there is no error or ambiguity or typographical mistake in any manner in the order passed by this Court. In short, the application to that effect is absolutely without merits, hence, stands rejected.

(VINAY JOSHI, J.) (V.M. DESHPANDE, J.)

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