

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

WRIT PETITION NO.2188/2021

Raje Sambhaji Maharaj Education Society through its Secretary.

Vs.

State of Maharashtra through its Secretary, Department of Higher Education & ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S.Shingane, Advocate for petitioner.

Mrs. S.S. Jachak, Assistant Government Pleader for respondent nos. 1 and 2.

Shri J.B.Kasat, Advocate for respondent nos. 3 and 4.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- AUGUST 25, 2021.

Heard.

The challenge raised in this writ petition is to the communication dated 05.04.2021 issued by the Deputy Registrar of the respondent no.3-University. By that communication the University pursuant to inspection of the college run by the petitioner had conducted an enquiry as contemplated by Section 12 (14) (c) of the Maharashtra Public Universities Act, 2016 (for short, the said Act). The communication indicates that on 03.08.2019 inspection was conducted by the Enquiry Committee and report thereof was submitted. The communication further states that as per the provisions of Section 12 (14)(d) of the said Act, the result of the inspection was being communicated to the Management and time of eight days was granted to the Management to respond to such enquiry report.

The learned counsel for the petitioner submits that by the initial communication dated 09.05.2018 the grievance was made by the Director, Higher Education in respect of two matters; namely, absence of NAAC Accreditation and the possibility of closure of the college due to reduction in the number of students. It is on this basis

that the inspection was directed to be undertaken. However during the course of inspection various other aspects have found place in the inspection report and hence according to the petitioner the communication dated 05.04.2021 was liable to be set aside.

Perusal of the provisions of Section 12(14)(d) of the said Act indicates that after inspection of the concerned educational institution the result of such inspection has to be communicated to the Management and thereafter as per sub-clause (e) the Management has to communicate if it proposes to take any action pursuant to such enquiry report. We find that without exhausting this opportunity which is conferred by the statute the petitioner has approached this Court to challenge the notice given to it under the provisions of Section 12(14)(d) of the said Act. Since we find that an opportunity is available to the petitioner to respond to the inspection report by having recourse to the provisions of Section 12(14)(e) of the said Act, we are not inclined to interfere with the impugned notice at this stage.

The learned counsel for the respondent nos. 3 and 4 submits that in view of pendency of the writ petition, on 19.06.2021 the time to respond to the notice dated 05.04.2021 was extended till 30.06.2021 but till date there has been no response from the petitioner. Since it is clear that it is open for the Management to respond to the inspection report by resorting to the provisions of Section 12 (14)(e) of the said Act, we are inclined to grant one opportunity to the petitioner by extending the time to submit their response, if any.

Accordingly further time of fifteen days from today is granted to the petitioner to respond to the notice dated 05.04.2021 and 19.06.2021 for submitting their response to the inspection report under Section 12 (14) (d) of the said Act. It is made clear that it is open for the petitioner to object to the inspection report by raising all

permissible grounds. Keeping all other questions open, the writ petition is disposed of. No costs.

JUDGE

JUDGE

Andurkar.