

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

WRIT PETITION NO. 2446 OF 2020

PETITIONER :- Dr.Rajesh Panjabrao Ingole,
aged 60 years, Occupation: Service,
R/o:Vitthal Mandir Ward,Chandrapur,
Dist, Chandrapur.

...VERSUS...

RESPONDENTS :- 1. Gondwana University, Gadchiroli
through, its Registrar, M.I.D.C. Road
Complex, Gandchiroli, Dist.Gadchiroli.

2. Institutional Academic Integrity Panel,
through its Chairman and the Pro-Vice-
Chancellor, Gondwana University,
Gadchiroli, M.I.D.C.Road Complex,
Gadchiroli, Dist. Gadchiroli.

Mr.B.G.Kulkarni,counsel for the petitioner.
Mr.S.A.Marathe, counsel for the respondents.

CORAM : SUNIL B.SHUKRE &
ANIL S.KILOR, JJ.

DATE : 17.08.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

3. The petitioner is Principal of Sardar Patel Mahavidyalaya, Chandrapur. On some complaint, received against the petitioner, that he had indulged in plagiarism, a show cause notice was issued to him on 25.04.2019 to explain the allegation of plagiarism made against him. Consequent to this show cause notice, Institutional Academic Integrity Panel of the University made an enquiry and submitted its report. The Committee found the allegation of plagiarism as proved and therefore, it recommended by its report dated 18.02.2020 that the petitioner should not be allowed to register new scholars of M.Phil/Ph.D as Supervisor/Co- supervisor for three years and he be restrained from working on any research related committees in the University for three years next. This report has been challenged by the petitioner in the present petition.

4. Learned counsel for the petitioner submits that the Institutional Academic Integrity Panel has held that it cannot try

the complaint as per the stand of the University Grants Commission (UGC) for the reason that the questionable publication was made in Gurukul Journal, which was not a University Journal. However, he submits that as the Committee also looked into the merits of the matter, the report of the Committee has become vulnerable in law.

5. Shri. Marathe, learned counsel for the respondents opposes the petition and submits that charge of plagiarism has been proved against the petitioner and it being a very serious charge this Court should not look into the technical aspect of presence or lack of jurisdiction. Ordinarily, we would have toed the line of argument of learned counsel for the respondents by ignoring the technicalities of the issue, had it been the case of charge of plagiarism indeed having been proved in the present case. But, unfortunately, as we see from the report dated 18.02.2020, the show cause notice dated 25.04.2019 and even the reply filed on behalf of the respondents, that there is no material produced on record by the complainant or anybody in the Institutional Academic Integrity Panel to point out that a particular

research article published in the name of some other author, was substantially or completely used by the petitioner and the student for showing that article to be the original material published by the petitioner and its student. That being the case here, we are of the view that the whole basis of the enquiry made by the Institutional Academic Integrity Panel has been wiped out and therefore, the impugned report, as rightly pointed out by learned counsel for the petitioner, has become unsustainable in law.

6. In the result, this Writ Petition is allowed. The impugned report along with the recommendations in respect of which objections has been taken by the petitioner are quashed and set aside.

Rule is made absolute in above terms. No costs.

(ANIL S. KILOR,J)

(SUNIL B. SHUKRE,J)