

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12691 OF 2022

- 1] Kisan Dnyanoday Mandal, Gudhe
Tq. Bhadgaon, District Jalgaon
Through its Secretary
- 2] Mrs. Amruta Manoj Mahajan
Age 30 years, Occu. Secretary / Agriculture
R/o. Plot No. 81, Adarsh Nagar, Shirpur,
Taluka Shirpur, District Dhule .. Petitioners

VERSUS

- 1] The State of Maharashtra
Through the Secretary,
Higher Education Department,
Mantralaya, Mumbai
- 2] Kaviyatri Bahinabai Chaudhari
North Maharashtra University
Umavinagar, Jalgaon
District – Jalgaon
Through its Registrar and the
Election Officer of Kaviyatri Bahinabai
Chaudhari North Maharashtra University
Jalgaon .. Respondents

...
Advocate for petitioners : Mr. D.S. Bagul
AGP for the respondent – State : Mr. S.B. Yawalkar
Advocate for the respondent no. 2 : Mr. A.B. Girase
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : 14 DECEMBER 2022

ORDER (MANGESH S. PATIL, J.) :

Heard.

2. Rule. Rule made returnable forthwith. Learned AGP and learned advocate Mr. Girase waives service for the respondents nos. 1 and 2 respectively. At the joint request of the parties, the matter is heard finally at the stage of admission.

3. The petitioners are aggrieved by the fact that by the impugned communication dated 06-12-2022, the respondent no. 2 who is the Registrar and Election Officer of the respondent no.2 - University has prepared a final electoral roll for the elections to the Senate under the provisions of section 28(2) of the Maharashtra Public Universities Act, 2016 for the management representatives' constituency.

4. Learned advocate Mr. Bagul would submit that the petitioner no. 2 is the Secretary of the petitioner no. 1 - management. She had submitted the nomination, however, it was turned down on the ground that it was not bearing signature of the Chairman or the Secretary on form 'B'. It was a sheer error. Pursuant to the communication dated 23-11-2022 she had raised the objection and tried to rectify the error by furnishing a fresh application in form 'B' with the signature of the Chairman. He would submit that the objection was raised in time and still it was not considered and her name did not appear in the final electoral roll. She preferred an appeal before the Vice Chancellor but to no avail.

5. Mr. Bagul would, therefore, submit that the respondent no. 2 be directed to include her name in the final electoral roll.

6. Mr. Girase for the respondent no. 2 submits at the outset that the appeal preferred by the petitioner no. 2 has been dismissed. He would, therefore, submit that in view of the provision contained in clause 8 of the Uniform Statute No. 1 of 2017 which is applicable to the respondent no. 2 - University, the Registrar has the power to correct the electoral roll only to the extent of any omission or wrong entries. He has no power to permit any rectification in the applications which have not been submitted in the prescribed form. The petitioners' case does not fall in the category of such omission or wrong entries. No error was committed by the respondent no. 2 in rejecting the application of the petitioner no. 2.

7. We have considered the rival submissions and perused the papers.

8. There is no dispute as regards the fact that the application that was submitted by the petitioner no. 2 in form 'B' which was mandatorily required to bear signature of either the Chairman or the Secretary of the management was submitted without such signature/s. It was not a matter which can be said to be an omission or wrong entry which alone could have been rectified by the respondent no. 2 - Registrar under clause 8 of the Uniform Statute No. 1 of 2017. Even if

the petitioner no. 2 had submitted the objection on 23-11-2022, it could not have been allowed for the reasons mentioned herein-above.

9. Consequently, we are of a firm view that no error was committed by the respondent no. 2 - Registrar in rejecting the petitioner no. 2's application / objection to the provisional electoral roll. Besides even the petitioner no. 2 had preferred an appeal to the Vice Chancellor as is contemplated under clause 8 of the Uniform Statute No. 1 of 2017 and even that has been dismissed. There is no challenge put up by the petitioner no. 2 to the decision of the Vice Chancellor rendered in her appeal.

10. In view of such state-of-affairs, there is no merit in the writ petition. It is dismissed.

11. Rule is discharged.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/