

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11349 OF 2022**

Bankur Chanabasappa Gundappa. ...Petitioner.
V/s.
Punyashlok Ahilyadevi Holkar
Solapur University Solapur through
Election Office and Registrar & ors. ...Respondents.

Dr. Uday P. Warunjikar, Advocate for the Petitioner.
Mr. R.M. Haridas i/b. Mr. Prasad Kulkarni, advocate for respondent
Nos. 1 and 2.
Mr. Anvil S. Kalekar, advocate for the Respondent No. 3.

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**CORAM : S.V. GANGAPURWALA &
R.N.LADDHA, JJ.
DATED : SEPTEMBER 26, 2022**

P.C. :

1. We have heard Dr. Warunjikar, learned Counsel for the Petitioner, Mr. Haridas, learned Counsel for the University and Mr. Kalekar, learned Counsel for the respondent No. 3.

2 It is submitted that nomination paper of respondent No. 3 for election of Member of Senate was rejected by the Registrar. Subsequently, appeal was also rejected. However, review came to be filed against the order of the Registrar.

3 It is the contention of the Petitioner that the Registrar has no power to review and only appeal is provided against the order rejecting nomination paper and the appeal has to be heard and decided by Vice Chancellor. In the present case, Returning Officer rejected the nomination paper of Respondent No. 3. The appeal was also dismissed and the review was filed in appeal and the same is allowed. No provision of review exists.

4 Learned Counsel for the University submits that appeal was heard by Vice Chancellor and communication is made by Registrar. Same argument is advanced by the learned Counsel for the respondent No. 3 also.

5 We asked the learned Counsel for the University as to whether any order is passed by Vice Chancellor on appeal filed by the respondent No. 3. Learned advocate submits that the communication of the Registrar is the only order. But then, the same is pursuant to the direction given by the Vice Chancellor. It is further submitted by the learned Counsel for the University that no separate order is passed by the Vice Chancellor. Registrar is the Returning officer. His order was

the subject matter of consideration in appeal before the Vice Chancellor. It is incumbent upon the Vice Chancellor to hear and pass an order.

6 It is submitted that polling is scheduled to 29/9/2022. The Petitioner and the Respondent No. 3 are ready to appear before the Vice Chancellor of Respondent No. 2 tomorrow.

7 In the light of that, we pass following order :

- (a) The Petitioner and Respondent No. 3 shall appear before the Vice Chancellor of Respondent No. 2 on 27/9/2022 at 11.30 a.m.
- (b) The Vice Chancellor shall hear and pass an order in the appeal filed by the respondent No. 3 against the rejection of his nomination paper on its own merits on or before 28/9/2022
- (c) With the aforesaid direction and observations, Writ Petition is disposed. No order as to cost.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA,J)