

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

WRIT PETITION NO.1466 OF 2010

Shri Anil Chamadia
S/o. Late Ramgopal Chamadia
Aged 48 Yrs., Occu.: Journalist,
R/o. C-2, Pipal Wala Mohalla,
Badli Extension, Delhi-42

.... **PETITIONER**

// VERSUS //

1. Mahatma Gandhi Antarrashtriya

Hindi Vishwavidyalaya,
Through its Registrar, Panchteela,
Umari, Wardha -442001

2. The Vice Chancellor,

Mahatma Gandhi Antarrashtriya
Hindi Vishwavidyalaya, Panchteela,
Umari, Wardha -442001

3. The Chancellor,

Mahatma Gandhi Antarrashtriya
Hindi Vishwavidyalaya, Panchteela,
Umari, Wardha -442001

4. The Union of India.

Through its Secretary,
Human Resource Development,
Shastri Bhavan, New Delhi-110001

.... **RESPONDENTS**

Mr P D. Meghe, Advocate for the petitioner
Mr A. C. Dharmadhikari, Advocate for the respondent Nos. 1 to 3
Mr N. S. Deshpande, DSGI for respondent No. 4

CORAM : SUNIL B. SHUKRE AND

G. A. SANAP, JJ.

DATED : 30.09.2022

ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)

1] Heard.

2] In our order, dated 26.07.2019 we have noted in detail the necessity of the response to be given by the Human Resources Ministry by referring to the requirement of Clause 19(6) of the Statutes of the University framed under Section 27 of the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996.

3] In this case, the case of the petitioner has been recommended by the Selection Committee, duly constituted under the Act, for he being appointed to the post of Professor. It is not in dispute that whenever such direct appointment to the post of Professor is to be made, the acceptance of the recommendations of the Selection Committee by the Vice Chancellor is subject to the approval of the Executive Council of the University. Clause 19(c) of the Statute of the University shows that discretion has been given to the Executive Council to accept the recommendations of the Selection Committee or reject those recommendations but, in case the Executive Council decides to not grant approval to such an appointment, the confirmation from the Visitor i.e. the President of India is required and the rejection of the approval must be accompanied by reasons recorded in writing. Here, it is the case of the University that the refusal to accord approval to the appointment of the petitioner as Professor in University has been forwarded by the University already to the Visitor, the President of

India but, no response so far has been received from the office of President of India and this is the reason why the issue of appointment of the petitioner to the post of Professor has remained pending.

4] Shri N. S. Deshpande, learned Deputy Solicitor General of India submits that he is making every effort to seek proper instructions from the Human Resources Ministry but, till date he has received no response from the Ministry. Much time has gone by since the University as well as this Court are waiting for the appropriate response to be received from the Human Resources Ministry. Considering the pendency of this matter for very long period of time, we have decided to examine the basic issue involved in this case from fresh perspective.

5] Accordingly, we have carefully perused the order of rejection of the approval to the appointment of the petitioner as Professor, passed by the Executive Council, dated 25.01.2010, which is the order impugned in this petition. On re-examination of this order, we find that this order is not in conformity with the requirements of Clause 19(6) of the Statutes of the University in the sense that it does not record any proper reasons for rejecting the approval to the

appointment of the petitioner as Professor. Therefore, this order, impugned herein, is bad in law and it deserves to be quashed and set aside.

6] Accordingly, the writ petition is partly allowed.

7] The minutes of meeting of the Executive Council dated 13.01.2010, to the extent they refuse to grant approval to the appointment of the petitioner as Professor, is quashed and set aside. The impugned order, which is consequential order, is also hereby quashed and set aside.

8] The matter is remanded back to the Executive Council for its fresh consideration of the issue in accordance with law. The Executive Council shall take its decision in the matter as early as possible preferably within 12 weeks from the date of receipt of the order.

9] In case the Executive Council decides to grant approval to the appointment of the petitioner as Professor, the University shall take appropriate decision regarding payment of salary, arrears of salary and other consequential benefits to the petitioner at the earliest. However, if the Executive Council does not decide to grant its approval to the

appointment of the petitioner, the Executive Council shall record its reasons and follow the procedure prescribed under Clause 19(6) of the Statutes of the University framed under Section 27 of the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996.

10] Rule is made absolute in the above terms. No costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Namrata