

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

WRIT PETITION NO.3722/2022

Pravarsen Shikshan Sanstha,
through its Secretary Shri Milind
Laxmikant Balkhande, R/o Patrakar
Sahanivas, Civil Lines, Amravati
Road, Nagpur.

... Petitioner

- Versus -

1. The Joint Director of Higher
Education, Nagpur Division,
Nagpur.
2. The Vice-Chancellor,
Rashtrasant Tukdoji Maharaj
Nagpur University, Nagpur.
3. The Registrar,
Rashtrasant Tukdoji Maharaj
Nagpur University, Nagpur.
4. The Deputy Registrar,
Rashtrasant Tukdoji Maharaj
Nagpur University, Nagpur.

... Respondents

Mr. S.D. Abhyankar, Advocate for the Petitioner.

Ms. Kalyani Deshpande, Assistant Government Pleader for
Respondent No.1.

Mrs. Mrunal Naik, Advocate for Respondent Nos.2, 3 and 4.

CORAM : A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : 29.8.2022

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The grievance of the petitioner which is a public trust registered under the provisions of the Maharashtra Public Trusts Act, 1950 is that the proposal for filling vacant posts at the institution run by it has been rejected for untenable reasons. As a result of such rejection the institution has been prevented from making admission in the first year of B. Com. course for academic year 2022-2023.

3. It is submitted by the learned counsel for the petitioner that Change Report bearing No.2216/2012 was filed before the learned Assistant Charity Commissioner who rejected the same. The appeal preferred before the learned Joint Charity Commissioner was also rejected against which Writ Petition (Stamp) No.3422/2022 has been filed and the same is still pending. For that reason the authorities have refused to consider

the proposal for filling vacant posts. The impugned communication issued by the Joint Director has been challenged. Similarly, the directions issued by the Deputy Registrar, Nagpur University not to admit students in the present academic session has also been challenged. It is submitted that since the challenge to the orders passed in the change report proceedings is still pending it is not possible to furnish a recent extract of the Schedule I. It is however submitted that insofar as other deficiencies are concerned, the society will take necessary steps and remove the same.

4. It is seen from the record that in the extract of the Schedule I Register description of the managing body has been communicated. It is also a fact that the subsequent change report preferred by the reporting trustee as against the change that has occurred after holding elections has been rejected. Further proceedings are pending before this Court. The petitioner is seeking to fill in three posts of Assistant Professors and the proposal has been rejected for failure to remove the deficiencies.

In these facts, interests of justice would be served by permitting the society to remove the deficiencies in the said proposal as pointed out by the Joint Director, Higher Education in the communication dated 20.4.2022. It is open for the society to bring to the notice of Joint Director of Higher Education the pendency of the proceedings arising from the change report. If such deficiencies are removed by the society, the Joint Director of Higher Education shall consider the proposal in accordance with law and take a decision thereafter preferably within a period of 15 days from submission of such communication. With these directions writ petition is disposed of. No costs.

It is made clear that proposal shall not be rejected only on the ground that the proceedings with regard to the change report are pending.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)