

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7548 OF 2023**

Sanjay Baburao Shete

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

**Mr Mihir Desai, Senior Advocate, i/b Ajinkya M Udane, for the
Petitioner.**

Mr V M Mali, AGP, for the Respondent-State.

Mr Yuvraj Narvankar (online), for Respondents No. 2 to 5.

Mr Rui Rodrigues, for Respondent No. 8.

**CORAM G. S. Patel &
 Neela Gokhale, JJ.**

DATED: 19th June 2023

PC:-

1. This Petition can be disposed of immediately. Hence Rule, returnable forthwith.

2. The Petitioner is a graduate of the University of Mumbai. He is a member of the Bombay Physical Culture Association (“**BPCA**”) Educational Institution. The short point involved in this Petition is the apparent rejection by the Mumbai University of the Petitioner’s nomination form to the University Senate only for want of what is called a National Assessment and Accreditation Council (“**NAAC**”) Certificate, i.e., the certificate by the 7th Respondent

which is the National Assessment and Accreditation Council, New Delhi.

3. At page 113, we are shown an e-mail by the NAAC to the Principal of the BPCA's College of Physical Education, Mumbai, which confirmed on 30th March 2023 that the Institution had been accredited for a period of five years with effect from 30th March 2023.

4. On facing the first rejection on 12th June 2023, the Petitioner immediately appealed to the Vice Chancellor on 14th June 2023. Annexed to the appeal was a list of the two institutions approved by the NAAC at its 151st meeting on 30th March 2023. The Petitioner's college is the second on that list.

5. The college has been accredited for several cycles before and the Petitioner has served on the Senate before as well.

6. The argument before us is that an actual physical certificate or at least an "actual certificate" properly so-called was not sent in. We are told that the Principal ought to have corresponded with the NAAC and obtained the certificate.

7. We fail to appreciate this entirely bureaucratic approach. Nothing stopped the University from directly corresponding with the NAAC and obtaining a confirmation. The e-mail that is now shown to us at page 113 is sufficient and if the University wants, it is at liberty to cross check with the NAAC. If the University ultimately

finds that the NAAC did not accredit the college in question, there is no doubt that the Petitioner will forthwith have to resign from his seat on the Senate. Then the University may take whatever steps that it desires. But we do not see how a nomination can be rejected on facts such as these.

8. The Petition accordingly succeeds in terms of prayer clause (a) at pages 14 & 15, which reads thus:

(a) That this Honourable Court be pleased to issue a writ mandamus or writ in mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, quashing and setting aside the order dated 12.06.2023, which has been passed by the Registrar-cum-Returning Officer, University of Mumbai as well as order dated 16.06.2023 which has been passed by the Vice Chancellor of Mumbai University, Mumbai.

9. The Petitioner will be allowed to contest the election on the condition that the Petitioner will comply with all the conditions we have set out above.

10. Rule is made absolute in these terms.

(Neela Gokhale, J)

(G. S. Patel, J)