

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

WRIT PETITION NO. 600 OF 2023

Pawan S/o Anil Doifode
..VS..

Vice Chancellor, Sant Gadgebaba Aamravati University, Amravati and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.M. Sudame, Advocate for petitioner.
Mr. J.B. Kasat, Advocate for respondents.

CORAM : SUNIL B. SHUKRE AND
SMT. VRUSHALI V. JOSHI, JJ.

DATED : 20.02.2023

Heard Mr. Sudame, learned counsel for the petitioner and Mr. Kasat, learned counsel for the respondents.

2. Mr. Kasat, learned counsel for the University submits that various authorities are yet to be constituted and in the present case, the concerned authority, i.e. Board of Sports and Physical Education, being not in place, it is not possible for the University to consider request of the petitioner for taking part in the National University Games 2022-23 as a representative of the University, in the sport in which the petitioner has excelled at State and National levels.

3. Difficulty expressed by Mr. Kasat, learned counsel for the University is understandable but, we are of the opinion that the difficulty is not so insurmountable as to not send any representative of the University to the National University Games in the sport in which the petitioner has excelled. In this respect, as pointed out by the learned counsel for the petitioner, provisions made in Section 12(7) of the Maharashtra Public Universities Act, 2016 are relevant and in our opinion the said provisions would be applicable to the situation like the one involved in this petition. For the sake of convenience, Section 12(7) of the Maharashtra Public Universities Act, 2016 is reproduced as under :-

“(7) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, or if any action is required to be taken in the interest of the university, he shall take such action, as he thinks necessary, and shall at the earliest opportunity, report in writing the grounds for his belief that there was an emergency, and the action taken by him, to such authority or body as shall, in the ordinary course, have dealt with the matter. In the event of a difference arising between the Vice-Chancellor and the authority or body whether there was in fact an emergency, or on the action taken where such action does not affect any person in the service of the University, or on both, the matter shall be referred to the Chancellor whose decision shall be final:

Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the university, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Management Council.

Explanation.- For purposes of this sub-section, action taken by the Vice-Chancellor shall not include disciplinary action taken against any employee of the university.”

4. It would be clear that the afore-stated Section confers upon the Vice Chancellor ample power to take action as he thinks necessary in case of two contingencies namely, emergency and interest of the University. In the present case, the contingency of interest of the University would be more relevant, although it is not the case that the contingency of emergency is not relevant. The petitioner having excelled in the sport mentioned in the Petition not only at the State level, but also at the National level, can possibly be a suitable candidate for being sent as a representative of the University in the National University Games 2022-23 and if he is sent as representative of the University, it would be an action taken in the interest of the University considering the excellence that the petitioner has achieved in the sport. Besides, there is also a situation arising from the fact that the National University Games are going to start in near future. We would therefore, direct the Vice Chancellor to exercise his power under Section 12(7) of the Maharashtra Public Universities Act, 2016 suitably, it

being a situation going in the interest of the University and also a situation of emergency.

5. With the above referred directions, the purpose of this Petition would stand served and the Petition is accordingly disposed of.

(SMT. VRUSHALI V. JOSHI, J.)

(SUNIL B. SHUKRE, J.)

Kirtak