

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

Writ Petition No.1001 of 2023

Dr. Ravindra S/o Narayanrao Mundre and another

Versus

The Hon'ble Chancellor, Mumbai, and others

With

Civil Application No. _____ of 2023

In

Writ Petition No.1001 of 2023

(Dated 2-3-2023)

(Applicants : Sanket Sanjay Saoji and seven others)

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

Shri Firdos Mirza with Shri A.I. Sheikh, Advocates for Petitioners.
 Ms N.P. Mehta, Assistant Government Pleader for Respondent No.1.
 Shri J.B. Kasat, Advocate for Respondent Nos.2 to 4.
 Shri B.G. Kulkarni, Advocate for Applicants in Civil Application.

CORAM : SUNIL B. SHUKRE & M.W. CHANDWANI, JJ.

DATE : 2nd MARCH, 2023

1. Heard.

2. Perused the application of the nominated persons to be impleaded them as respondent Nos.5 to 12 in this petition. We do not think that now any purpose is going to be served by allowing this application, inasmuch as we have already granted hearing to Shri B.G. Kulkarni, learned counsel for these applicants.

3. With the assistance of Shri B.G. Kulkarni, learned counsel for the applicants, and also Shri Firdos Mirza, learned counsel for the petitioners, we have gone through the notification dated 28-2-2023 and another notification of the same date issued by the Hon'ble Chancellor and the Vice-Chancellor respectively. These notifications are annexed to the application of the newly nominated

members of the Senate. They are marked as Documents 'A' and 'B' respectively. They show that now 10 members have been nominated by the Hon'ble Chancellor and 2 members have been nominated by the Vice Chancellor on the Senate of the University, thereby taking the tally of the members of the Senate to 69 from out of 76 members. The presence of 69 members on the Senate is sufficient to hold the elections. The notice of the elections was already issued by the Registrar of the University on 20-1-2023. As per this notice, the meeting of the Senate was to be held on 10-2-2023 for holding the elections only. Now we are informed by the learned counsel for the petitioners that another meeting of the Senate is scheduled to be held on 14-3-2023, and as per the agenda of this meeting, the list of the subjects begins with Subject No.3 and the agenda is silent about subject Nos.1 and 2. This agenda is taken on record and marked Document 'C' for the purpose of identification. This document does not make any reference to the subjects of elections. We are of the view that as on today there is sufficient number of members present on the Senate and that as the election notice was already issued, the elections can now be held by adding the subjects of elections as Subject Nos.1 and 2 to the agenda vide Document 'C'.

4. Shri Firdos Mirza, learned counsel for the petitioners, points out that Subject Nos.1 and 2 relate to the elections of the members under Section 30 of the Maharashtra Public Universities Act, 2016 and the elections of the members under Sections 32, 70 and 79 of the said Act, which are required to be added to the agenda.

5. In view of above, we are also of the opinion that if the elections to the various posts of authorities of the University are held, the purpose of this petition will stand served.

6. We, therefore, direct that the subjects of elections be added to the agenda vide Document 'C' as Subject Nos.1 and 2 and accordingly elections to various posts of the authorities of the University be held in accordance with the rules in the meeting of the Senate scheduled to be held on 14-3-2023 at about 12 noon.

7. The civil application as well as petition stand disposed of in above terms.

(M.W. CHANDWANI, J.) (SUNIL B. SHUKRE, J.)

Lanjewar