

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

WRIT PETITION NO. 1249 of 2023
and
CIVIL APPLICATION (W) No.910 of 2023 in W.P.No.1249/2023

Rohit s/o Baburaoji Nandurkar

vs.

Sant Gadge Baba Amravati University, through its Registrar (Dr.Tushar R.Deshmukh) and others.

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

Court's or Judge's Order

Shri M.M.Sudame, Advocate for applicant/petitioner.

Shri J.B.Kasat, Advocate for non-applicant/respondent no.1-University.

CORAM :- A.S.CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE :- 30th MARCH, 2023

By this writ petition, the petitioner prays that Sant Gadgebaba Amravati University through its Vice-Chancellor be directed to permit the petitioner to constitute a team for representing the University for participation in the National University Games 2022-23. While issuing the notice in the writ petition this Court directed the University to consider the observations made by this Court in Writ Petition No.617 of 2023 (*Rohit B.Nandurkar vs. Vice-Chancellor, Sant Gadgebaba Amravati University, Amravati and anr.*) dated 20.02.2023 in the matter of the Vice-Chancellor exercising his power under Section 12(7) of the Maharashtra Public Universities Act, 2016.

The petitioner has filed Civil Application No.910 of 2023 praying for interim relief since the National University Games were to be held at Jaipur from 01.04.2023 to 06.04.2023.

We have accordingly heard Shri M.M.Sudame, learned counsel for the applicant and Shri J. B. Kasat, learned counsel for the non-applicant no.1-University on the prayer made in the Civil Application.

According to the applicant, National University Games for the Academic Session 2022-23 are to be held at Jaipur from 01.04.2023 to 06.04.2023 and hence it is prayed that the non-applicant no.1-University be directed to send an official team in the game of Woodball to participate in the aforesaid tournament.

As per the notice issued by the University conducting the said tournament, the last date for submission of entry form is 31.03.2023. It is urged by the learned counsel for the applicant that the applicant has excelled in Woodball at the National level and failure on the part of the University in sending a team to Jaipur would deprive the applicant of participation therein. Alongwith the application a list of about sixteen students has been annexed stating therein that they have also excelled in the said sport at the State and National level. The Board of Sports and Physical Education in its meeting held on 28.03.2023 has not lived to the aspirations of the applicant to enable him to participate in the said tournament alongwith other teams. It is prayed that an interim direction be issued in that regard to facilitate participation of the University's team in the said game.

The prayer is opposed by the learned counsel for the non-applicant no.1-University by relying upon the decision taken by the Board of Sports and Physical Education on 28.03.2023. It is submitted that the Board considered inclusion of various sports in the curriculum to enable the students to participate in the same but insofar as the game of Woodball is concerned, on account of various practical difficulties the same has not been possible in the Academic Session 2022-23. It is submitted that there are about 400 colleges affiliated to the University and within the given time, it would not be possible to select eighteen students (players) to represent the University. It is thus submitted that there is no case made out to issue any interim direction since the Board had considered the matter.

On hearing the learned counsel for the parties, we find that in the earlier round of litigation, this Court had directed the Vice-Chancellor to consider exercise of power under Section 12(7) of the Maharashtra Public Universities Act, 2016 and decide whether the team of the University could be permitted to participate in the sport of Woodball. In the meanwhile, the Board of Sports and Physical Education was constituted and it has considered the issue in its meeting held on 28.03.2023.

It is to be noted that the Board has found consideration of the matter for the present Academic Session 2022-23 not feasible for want of specific inputs in that regard. Its deliberations on 28.03.2023 indicate that the University was not made aware of various basic requirements and facilities necessary for the sport of Woodball. In absence of any qualifying events being held, selection of participants was not possible at this stage. In this backdrop, it cannot be held that the Resolution passed by the Board on 28.03.2023 is either arbitrary or illegal so as to disregard its opinion.

We find another practical difficulty in the matter. The last date for submission of entry forms is 31.03.2023. There are about 400 colleges affiliated with the University. Notwithstanding the fact that the applicant has furnished the names of sixteen other students who are desirous of participating in the said tournament, we find that in the team that would represent the University, all students interested from various affiliated colleges ought to have an opportunity to stake their claim for selection in that regard. Given the short time of one day in hand, this does not appear to be possible.

For aforesaid reasons, we are not inclined to issue any interim direction in the civil application. The same is therefore rejected.

Since the Civil Application(W) No.910 of 2023 in Writ Petition No. 1249 of 2023 seeking interim relief stands decided, further adjudication in the writ petition is not called for as no effective relief can be granted to the petitioner. However it is directed that the University shall at the commencement of the next Academic Session 2023-24, take all necessary steps to consider such representations received from concerned students for inclusion of various games in the curriculum to enable aspiring students to participate in the same. It is expected that the matter would be considered by the Board in the right spirit and decision in that regard would be taken expeditiously.

The writ petition is disposed of accordingly. No costs.

(M. W. CHANDWANI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.