

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

WRIT PETITION NO. 1250 of 2023

Pawan s/o Anil Doifode

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 in the sport of 'Mini Golf'. On 28.02.2023 an interim order was passed by which the University was directed to submit/forward the name of the petitioner as an individual representative of the University in the sport of 'Mini Golf. While directing the University to reimburse the entry fees and also bear the expenditure on travelling and stay, it was observed that the petitioner would not be entitled to claim any equity pursuant to such participation. It is informed that accordingly the petitioner has participated in the said tournament.

In the aforesaid backdrop, we have heard the learned counsel for the parties at length.

On hearing the learned counsel for the parties, we find that in the earlier round of litigation being Writ Petition No.600 of 2023, 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 Mini Golf. 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 Mini Golf. 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 petitioner was permitted to represent the University in the said tournament, we find that there would be numerous students interested from various affiliated colleges who 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.

Since the Resolution passed by the Board of Sports and Physical Education dated 28.03.2023 has been found to be reasonable not requiring any interference, we find that no effective relief can be granted to the petitioner except for appreciating the efforts taken by the petitioner in this regard. It is however 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.