



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5596 OF 2025

Dr. Rajesh Kashinath Nimat ..Petitioner
vs.
The State of Maharashtra and ors. ..Respondents

Adv. Prachiti Deshpande, for the Petitioner (through VC).

Mr. V. G. Badgujar, AGP, for the Respondent-State.

Adv. Vikram N. Walawalkar a/w Adv. Rohan Desai, Adv.
Gracy Saldanha, for Respondent Nos.2 and 3.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 16th JUNE, 2025

P.C. :

1. Heard learned counsel for the parties.
2. The challenge in this Petition is to the orders dated 1st April 2025 and 9th April 2025 by which Respondent No.3 accepted the nomination form of Respondent No.4 for Management Council Elections of the University. It is the contention of learned counsel for the Petitioner that as per Section 30(4)(j) of the Maharashtra Public University Act, 2016 ("the Act of 2016" for short) only elected teachers can contest the elections and Respondent No.4 is the nominated teacher and not elected teacher. Hence, in her submission

the nomination form deserves to be rejected. Learned counsel submitted that the Respondents arbitrarily proceeded with the elections despite such a specific objection raised by the Petitioner.

3. Mr. Walawalkar, learned counsel appearing for Respondent Nos.2 and 3 submitted that even in terms of what the Petitioner submits, the matter has been referred under the provisions of Section 140 of the Act of 2016 to the Chancellor. Our attention is invited to the order dated 5th April 2025 at page 23 of the paper-book. Mr. Walawalkar, learned counsel submitted that till the time the reference under Section 140 is decided, the election results will be kept in abeyance. In such view of the matter, we do not propose to entertain the present Petition at this juncture as it is always open for the Petitioner to resort to appropriate remedies after appropriate orders are passed under Section 140. Recording the statement of the learned counsel for the Respondent Nos.2 and 3 that the election results will be kept in abeyance till the guidance is received under Section 140, the present Writ Petition is disposed of.

4. All contentions of the parties are kept open.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)