

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

WRIT PETITION NO.2550 OF 2018

Shivaji Education Society, Amravati, Through its Secretary, Sheshrao Shankarrao Khade

-vs-

Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur, Through its Vice Chancellor and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri K. P. Mahalle, Advocate for petitioner.

CORAM : A. S. CHANDURKAR AND VINAY JOSHI, JJ.

DATE : FEBRUARY 14, 2020

The learned counsel for the petitioner by referring to the provisions of Ordinance-23 as applicable to the Rashtrasant Tukdoji Maharaj Nagpur University submits that even if the finding recorded by the Enquiry Committee to the effect that the college had failed to inform the University as to the appointment/grant of additional charge of Principal was not communicated to the University, it could have been held liable to pay penalty of an amount not exceeding Rs.200/-. He further submits that as per provisions of Section 31(zj) of the Maharashtra Public Universities Act, 2016 the penalty can be imposed only after following the due procedure prescribed by the statute. He therefore submits that there is no legal basis whatsoever to impose penalty of Rs.10 lakhs as has been done by the impugned order. Moreover, the imposition of penalty of Rs.1 lakh on the Principal has already been set aside by this Court in Writ Petition No.3247/2018.

Though the respondents are served they have not chosen to oppose the prayers made in the writ petition. We

are however inclined to grant one opportunity to the respondents. Hence put up on 04/03/2020.

Since the petitioner has made out a prima facie case, there shall be ad interim relief in terms of prayer clause (2) until further orders.

JUDGE

JUDGE