

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7791 OF 2014
(Arising out of SLP(C)No.28588 of 2012)

MARATHWADA KRISHI VIDYAPEETH
KAMGAR KARMACHARI UNION

APPELLANT

VERSUS

STATE OF MAHARASHTRA & ANR.

RESPONDENTS

O R D E R

Leave granted.

This appeal has been preferred by the appellant against the judgment and order dated 2nd May, 2012 passed by the High Court of Judicature of Bombay, Bench at Aurangabad in Writ Petition No.2516 of 2010.

The said writ petition was filed by the appellant for withdrawal or cancellation of the order dated 5.12.2009 issued by respondent No.1 and for directions to the respondents not to comply with the Report of Equivalence Committee dated 29th January, 2008. It appears that the Committee was constituted in view of the directions issued by this Court in C.A. Nos. 4454-4466 of 2000, dated 29th August, 2007 in regard to respondent No.2-University. The Chairman, Equivalence Committee submitted a report dated 29th January 2008 which arrived at certain final conclusion at para 13 of the Final Report. The High Court on hearing the parties, refused to exercise its extraordinary jurisdiction under Article 226 of the Constitution and dismissed the case with the following observation:

"Considering the report of the Chairman of the Equivalence Committee and reply filed by the Respondent State, no interference is warranted in exercise of extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. The Writ Petition is dismissed."

We have heard the learned counsel for the parties and perused the record. From the impugned order, it appears that the High Court has not applied its mind to find whether the report submitted by the Equivalence Committee should have been accepted or not. The appellant challenged the Notification dated 5.12.2009 issued by respondent No.1 and prayed not to comply with the report of the Equivalence Committee dated 29.01.2008. The said Report was under challenge. In this background, it was not open for the High Court to rely on the very same Report and dismiss the writ petition.

For the reason aforesaid, we set aside the impugned judgment and order dated 2nd May, 2012 passed by the High Court in Writ Petition No.2516 of 2010 and remit the matter to the High Court for its decision as to whether the Report of the Committee dated 29th January, 2008 is proper and Notification dated 05.12.2009 issued by respondent No.1 was in accordance with law.

The High Court will decide the case on its merits after hearing the parties. The parties may raise all the questions and objection as raised before this Court.

The appeal is allowed with the aforesaid observation.

.....J.
[SUDHANSU JYOTI MUKHOPADHAYA]

.....J.
[PRAFULLA CHANDRA PANT]

NEW DELHI;
AUGUST 19, 2014

ITEM NO.40

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 28588/2012

(Arising out of impugned final judgment and order dated 02/05/2012 in WP No. 2516/2010 passed by the High Court of Bombay at Aurangabad)

MARATHWADA KRISHI VIDYAPEETH
KAMGAR KARMACHARI UNION

APPELLANT

VERSUS

STATE OF MAHARASHTRA & ANR.

RESPONDENTS

(with interim relief and office report)

Date : 19/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE PRAFULLA CHANDRA PANT

For Petitioner(s) Mr. Anish R. Shah, Adv.
Mr. Shivaji M. Jadhav, Adv.

For Respondent(s) Dr. R.R. Deshpande, Adv.
Mr. Aniruddha P. Mayee, Adv.
Ms. Asha Gopalan Nair, Adv.

Ms. Madhari Dirsa, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the Signed Order.

(Rajni Mukhi)
Sr. P.A.

(Usha Sharma)
Court Master

(Signed Order is placed on the file)