

IN THE HIGH COURT JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5761 OF 2010

1. ILS Law College & Anr. ...Petitioners

vs.

1. State of Maharashtra & ors. ...Respondents

Mr.S.S.Kanetkar, for Petitioners.

Mr.S.R.Nargolkar, AGP for Respondent no.1.

Mr.Girish Kulkarni i/b. Mrs.M.G.Kulkarni, for
Respondent nos.2 to 4.

**CORAM: D.K.DESHMUKH &
N.D.DESHPANDE, JJ.****DATED: 30th September, 2010**P.C.:

1. By this petition, the petitioners challenge the Communication at Exhibit C to the petition dated 20.7.2010 issued from the University. By that communication the University forwarded the complaints received against the affiliated college from the students and asked

the College to submit their remarks about the allegations made in the complaint. The petitioners also challenge Communication dated 24.7.2010 from the University to the College informing the College that the University has appointed a committee to inquiry into the complaints received against the College, and therefore, asking the college to submit their explanation. The challenge is that the University has no power to hold such inquiry. It is submitted that under Section 14 of the Maharashtra Universities Act Vice Chancellor can hold inquiry only into the aspect of administration of college and such inquiry into the complaint cannot be held. An affidavit has been filed on behalf of the University wherein it is stated that this is only preliminary inquiry which is being conducted to find out facts and basically to find out whether there is a grain of truth in the complaints received by the University about the College. So far as the power of the University is concerned, perusal of the

provision of Section 91 of the Maharashtra Universities Act shows that the University has power to withdraw affiliation of a College, and affiliation can be withdrawn if the college commits breach of the conditions of affiliation. Therefore, if the University receives complaints against an affiliated college that it commits breach of the conditions of affiliation and other related things then the University is within its right in holding preliminary inquiry to find out whether there is a grain of truth in the complaints so that action under Section 91 of the Maharashtra Universities Act can be initiated. Therefore, we do not find any substance in the contention raised by the petitioner that the University does not have power to hold preliminary inquiry. The College of the petitioner is admittedly affiliated to the University. The affiliation has been granted subject to fulfillment of certain conditions. There is power in the University to withdraw the affiliation. Therefore, the University will



always has power to see that the college continues to abide by and to fulfill the conditions of affiliation, and for that purpose the University has necessary power to hold inquiry into the complaints. The petition has no substance. It is, therefore, rejected.

(D.K.DESHMUKH, J.)

(N.D.DESHPANDE, J.)