

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1474 OF 2017  
(Arising out of SLP (C) No.37665 of 2012)

VIJAY M. PANDH. TH VICE CHANCELLOR ... Petitioner(s)

versus

SWAMI RAMANAND SHIKSHAN P.MANDAL & ORS. ... Respondent(s)

WITH

CIVIL APPEAL NOS. 1475, 1476-1477 and 1478 OF 2017  
(Arising out of SLP (C) Nos.35201, 36505-36506 and 37666 of 2012)

O R D E R

Leave granted.

The first respondent, Swami Ramanand Shikshan P. Mandal, a society registered under the Societies Registration Act, 1860 approached the High Court of Judicature at Bombay, Aurangabad in Writ Petition No.7037 of 2011 challenging the establishment of a "model College" at Ghansavangi, District Jalna on many a ground.

It was urged before the High Court that the place chosen by the University, namely Dr. Babasaheb Ambedkar Marathwada University, was not based on any report of the Expert Committee; that the report of the Committee does not mention the name of the place, i.e., Ghansavangi; that the authorities of the University had not shown any objectivity in choosing the place in question; that the approach of the authorities appeared as if they are under

pressure to have the college at Ghansavangi; that the concerned Council of University had not granted clearance for the said place; and that there was violation of the guidelines of the University Grants Commission. Apart from arriving at the said conclusion, the High Court found fault with the Vice-Chancellor and the Deputy Registrar of the University and imposed fine for their inefficiency. Additionally, it also passed strictures on the said authorities. In the ultimate eventuate, the High Court, as is noticed from the order impugned, remanded the matter to the university Grants Commission to take necessary decisions in accordance with the guidelines and the Management Council of the University to consider issue of location of model college in Jalna District afresh independently within eight weeks. Being of this view, the High Court directed the authorities to take decision in an objective manner.

Being grieved by the aforesaid judgment and order, the college, the University, the Deputy Registrar and Dr. Vijay Manohar Pandharipande, the appellant in the appeal arising out of SLP (C) No.37665 of 2012 against whom strictures have been passed, have approached this Court.

We have heard Mr. Jayant Bhushan, learned senior counsel along with Mr. Anil Kumar, Mr. Sudhanshu S. Choudhari, Mr. A.S. Avhad, Mr. Manish Pitale and Mr. Manoj R. Sinha, learned counsel for the parties.

On a perusal of the impugned judgment and upon hearing the

learned counsel for the parties, as we find, two questions are necessary to be dwelt upon. The High Court, upon perusal of the documents has found that the name of the place, i.e., Ghansavangi was never mentioned by the concerned Committee. Mr. Jayant Bhushan, learned senior counsel appearing for one of the appellants has drawn our attention to the reports of Committee dated 15.3.2011. The discussion in the said Committee is reproduced below :-

"Various educational aspects were discussed at the meeting regarding established of Model College. And held the meeting a proposal of Model College was prepared as per guidelines of the UGC. And by that way the following resolutions were made.

1. The said Model College will be run by the University.
2. It was resolved to send the proposal to the Government immediately via email.
3. Likewise, it was resolved to put the same proposal at the meeting of Management Council, for sanction.
4. The committee laid its emphasis on modeling its proposal on that of Swami Ramanand Teerth Marathwada University, Nanded.
5. The committee suggested to keep a limit of 40 students for various courses and it suggested to commence 10 degree courses.
6. The committee resolved to proportionate the students strength, building and teachers according to the norms of UGC and AICTE.
7. Besides, the committee also notified that if the standard of higher education is to be developed in the district having lesser registration rate than the national rate, the approach to schools (High School Education, for example, Std. 10, 12) for adoption of the schools would stop the drain

at the school level and it would help the higher education, such important suggestions the committee offered."

In pursuance of the aforesaid Committee report, the Management Council of the University on 16.3.2011 passed a resolution as follows :-

"On the above subject, it is pointed out that, initially it has been communicated to the Government that the proposal for opening the said College in Ghansawangi taluka of Jalna district will be immediately forwarded to the Government after getting sanction from the Management Council. In respect of the said proposal, a Committee under the Chairmanship of Dr. D.B. Dhaygude has been constituted.

Hence, said proposal is submitted for sanction of the Management Council."

As the factual narration would reveal, the proposal for model college at Ghansavangi was forwarded to the University Grants Commission vide letter dated 23.3.2011. It reads as follows:-

"With reference to the subjected above & directives receive from Deputy Secretary to the Govt. of Maharashtra necessary compliance of following documents is enclosed.

1. Certificate from Block Development Officer, Panchyat Office, Ghansawangi, Dist. Jalna regarding Ghansawangi is a remote area.
2. Certificate from Block Development Officer, Panchayat Officer, Ghansawangi, Dist. Jalna regarding the education ratio (General enrollment ratio of Ghansawangi is below 25%).

It is also stated that certificate regarding affiliation to the Model College (Constituent College of University) is enclosed to the proposal at page No.21, the details of required funds. Provision for Non-recurring expenses has

also been indicated in the proposal.

Kindly you are requested to kindly take above documents on record in relation to the proposal."

Ultimately, it was accepted by the University Grants Commission. In view of the aforesaid analysis, we do not find any procedural impropriety in choosing the place Ghansavangi.

The second issue relates to whether Ghansavangi, as a place, could have been accepted to have a model college. Learned counsel for Respondent No.1 has drawn our attention to eligibility conditions especially clause 3.2. It reads as follows :-

"a) The proposed Model College should not be established in the radius of 10 Kilometers from the existing college."

On a perusal of the same, we find that the said guideline does not create any kind of impediment to have a model college within a radius of 10 kilometers. It only prescribes that a location which does not have a college within a radius of 10 kilometers is to be given preference. The said stipulation cannot be read in negative to come to a conclusion that it prohibits establishment of a model college within ten kilometers where a college is situated. To elaborate, even if the college of the respondent is situated within 10 kilometers of a proposed Model college, the guidelines formulated by the University Grants Commission do not prohibit it.

In view of the aforesaid analysis, we find that the High Court has fallen into grave error by interfering in the matter and,

therefore, the judgment and order passed by the High Court is set aside. The appeals are disposed of accordingly. There shall be no order as to costs.

.....,J.  
(Dipak Misra)

.....,J.  
(R. Banumathi)

New Delhi;  
February 3, 2017.

ITEM NO.46

COURT NO.2

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). 37665/2012

(Arising out of impugned final judgment and order dated 25/09/2012  
in WP No. 7037/2011 passed by the High Court of Bombay at  
Aurangabad)

VIJAY M. PANDH. TH VICE CHANCELLOR

Petitioner(s)

VERSUS

SWAMI RAMANAND SHIKSHAN P.MANDAL & ORS.

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 35201/2012

(With Interim Relief and Office Report)

SLP(C) No. 36505-36506/2012

(With Interim Relief and Office Report)

SLP(C) No. 37666/2012

(With Interim Relief and Office Report)

Date : 03/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR

Mr. Raja Kapoor, Adv.

Ms. Surabhi Gularia, Adv.

Ms. Pushpa Devi Sikri, Adv.

Mr. Jayant Bhushan, Sr. Adv.

Mr. J.P. Cama, Sr. Adv.

Mr. Dilip Annasaheb Taur, Adv.

Mr. Amol V. Deshmukh, Adv.

Mr. Anil Kumar, AOR

Mr. Manish Pitale, Adv.

Mr. D.S. Matwankar, Adv.

Mr. Chander Shekhar Ashri, AOR

For Respondent(s) Mr. Gopal Singh, AOR  
Mr. Naresh Kumar, AOR  
Mr. Manoj R. Sinha, Adv.  
Mr. T. Mahipal, AOR  
Mr. A.S. Avhad, Adv.  
Mr. V.K. Sidharthan, AOR

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

Leave granted.

The appeals are disposed of in terms of the signed order.  
There shall be no order as to costs.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)