

Aryasthan is a country having its Constitution and all laws and regulations identical with those applicable in India. Purva Pradesh is a State in Aryasthan while Raghavpur is the second capital of Purva Pradesh. All laws, rules, regulations etc. applicable in Purva Pradesh are identical with those in the state of Maharashtra.

Raghavpur University is duly established in accordance with the provisions of the Purva Pradesh Universities Act, 1994 (an Act identical with the Maharashtra Universities Act, 1994) (hereinafter referred to as the 'Act'). Bye-laws, rules, regulations, ordinances etc applicable to the Rashtrasant Tukdoji Maharaj Nagpur University are applicable to the Raghavpur University. One Dr. A.B. Sathe was its Vice Chancellor who tendered his resignation on 15.06.2014. Thereafter the Chancellor of the University, (who is the Governor of the state of Purva Pradesh) vide an order dated 15.06.2014 appointed the Divisional Commissioner of Raghavpur, Shri Vinod Kumar, to act as a Vice Chancellor of the University in addition to his own duties as Divisional Commissioner, with immediate effect till further orders.

Shri C D Chaudhari,(aged 50 yrs., occ. Service, r/o plot no 12, Shastri Nagar, Raghavpur) who is a member of the Senate of Raghavpur University, from the Registered Graduates constituency filed a Writ Petition on 08.07.2014 before the Raghavpur Bench of the High Court of Purva Pradesh challenging the appointment of Shri Vinod Kumar as acting Vice Chancellor of the University. The appointment is challenged on following amongst other grounds:

- (i) The word "suitable" used at various places in sub-sections of Section 12 of the Act and, therefore, must be read to mean that a person who is eligible and suitable. All sub-sections of a section are required to be read together and if all the sub-sections of Section 12 of the said Act are read together, the only conclusion that follows is that a person who can be appointed even as an acting Vice Chancellor must also possess the necessary qualifications as is prescribed under clause (d) of sub-section 3A of Section 12 of the Act. However, Shri Vinod Kumar does not possess the qualifications prescribed by the State Government in exercise of the powers conferred under clause (d) of sub-section 3A, vide notification dated 25.05.2009.
- (ii) In view of sub-section 8 of Section 12, the Vice Chancellor is required to be a whole-time salaried officer of the University. But Shri Vinod Kumar has been appointed to act as Vice Chancellor in addition to his own duties as Divisional Commissioner and as such the appointment is in violation of the provisions of sub-section 8 of Section 12 of the Act.
- (iii) S.12 (7) is unconstitutional since it confers wide discretionary powers and there is a possibility that the power will be misused.

Draft memorials on behalf of both the sides. Besides the main contentions mentioned above, other issues can also be raised.