

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION
WRIT PETITION (CIVIL) NO. 724 OF 2020

IN THE MATTER OF:

PRANEETH K. & ORS.

...PETITIONERS

VS.

UNIVERSITY GRANTS
COMMISSION & ORS.

...RESPONDENTS

**AFFIDAVIT ON BEHALF OF THE STATE OF
MAHARASHTRA**

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PAPER BOOK

ADVOCATE FOR RESPONDENT: SACHIN PATIL

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I, Dr. Dhanraj R. Mane, presently working as Director, Directorate of Higher Education having office at Central Building, Pune 411001, Maharashtra, do hereby solemnly affirm and state as under:-

1. I am presently working as Director of Higher of Education. I am duly authorized to file this Affidavit on behalf of State of Maharashtra.
2. I have filed a Counter Affidavit in the above matter dated 28th July 2020 and I repeat and reiterate the contents of the same as if the same have been set out herein in extenso.
3. I am filing this Affidavit in compliance with the order dated 31st July 2020 passed by this Hon'ble Court, the relevant portion of which thus:

Learned counsel for the State of Maharashtra submits that the decision of the State Disaster Management Committee dated 19th June, 2020 though referred in the counter affidavit has not yet been brought on record. Let the decision of the

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State Disaster Management Committee be
brought on record.

(Emphasis Supplied)

4. The order passed by this Hon'ble Court on 31st July 2020, the relevant portion of which is quoted hereinabove shows that the Hon'ble Court has mentioned about the decision dated "19th June 2020" of the State Disaster Management "Committee". With utmost respect I most humbly submit that the Disaster Management Act 2005 does not contemplate constitution of 'State Disaster Management Committee'. The Section 17 thereof contemplates constitution of an 'Advisory Committee' by the Authority and Section 20 thereof contemplates constitution of the "State Executive Committee". The Section 14 thereof contemplates constitution of the 'state Disaster Management Authority'. In the State of Maharashtra there is therefore constituted the 'State Disaster Management Authority' and not 'State disaster Management Committee'.

5. I therefore, say that a decision dated 19th June 2020 of 'State Disaster Management Committee' as such is not there. No occasion has arisen for any such 'Committee' to take any decision on 19th June 2020 or even otherwise. I therefore say that I am not able to produce before this Hon'ble Court a decision of such 'Committee' of '19th June 2020'.

Handwritten signature

I say that the State Government has constituted the State Disaster Management Authority (hereinafter referred to as

'the Authority' for the brevity) as per Section 14 of the Disaster Management Act, 2005. As per Section 18, of the Disaster Management Act, the Authority has the responsibility to prepare policies and plans for Disaster Management in the State. Accordingly, the Higher and Technical Education Department requested the Authority to convene a meeting to decide the issue as regards holding of examinations of various courses in the State. In furtherance of the said request, the Authority issued the notice for the meeting on 17th June, 2020 and scheduled the meeting on 18th June, 2020. Accordingly, the Authority held meeting on 18th June, 2020 and deliberated on the issue at length and took conscious decision of not holding the last year final semester examination of both Professional and non-professional courses.

7. In compliance with the aforesaid decision taken by the said State Authority in its meeting held on 18th June 2020, the State Government has issued the Government Resolution dated 19th June 2020 as regards planning examinations of final semester/final year of degree and post graduate degree courses in all non-agricultural Universities, Affiliated Colleges, Deemed Universities and Self-financed Universities. A true translated copy of the Government Resolution dated 19th June 2020 issued by the Higher & Technical Education Department, Government of Maharashtra is annexed herewith and marked as AnnexureR-1 (Page No. 7-17).

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8. I say that in view of the UGC Guidelines dated 6th July 2020, a meeting of the Authority was again convened on 13th July 2020 in order to reconsider its earlier decision dated 18th June, 2020 of not permitting holding of the examinations in issue in the State of Maharashtra, in view of the decision and consequent directions dated 6th July 2020 issued by the UGC. I say that the Authority took into consideration various aspects such as the prevailing alarming COVID-19 situation in the entire State, lockdown imposed by various municipal bodies, declared containment zones, college buildings being used as isolation centers in different districts and the views put-forth by majority of Vice-Chancellors of the Universities that it is not possible to conduct examinations in the State. After considering all pros and cons and after deliberating the issue at length the Authority reiterated and confirmed its earlier decision of not holding the examinations and confirmed the Government Resolution dated 19th June, 2020 issued by the State Government. A copy of minutes of the said meeting dated 13th July, 2020 is hereto annexed and marked as AnnexureR-2 (Page No. 18-20).
9. I say that in the earlier affidavit filed on behalf of the State dated 28th July 2020, though in the initial part the decision of the Authority dated 18th June 2020 is referred, in paragraph 40 the latest decision of the Authority dated 13th July 2020 is also referred. After the earlier decision of the Authority, on 6th July 2020, the UGC declared its revised guidelines relating to the subject in issue. Thereafter, the Authority has reconsidered its earlier decision and also the

Amal Singh

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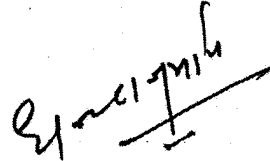
subsequent developments that have taken place at the grass root level and has taken a fresh decision on 13th July 2020. In my humble submission, in view of the issue involved in the present case, the decision of the Authority that is relevant is the one taken on 13th July 2020 i.e. after the latest UGC guidelines dated 6th July 2020. I have hereinabove produced the same as an annexure to this affidavit. The same may kindly be considered in its proper perspective.

10. That no new facts and grounds have been pleaded in this Affidavit.

Hence the Affidavit.

Place: Pune

Date: 05 .08.2020



(Dr. Dhanraj R. Mane)

Director, Directorate of Higher Education