



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 22nd OF JANUARY, 2025

WRIT PETITION No. 12694 of 2021

PRABHU NARAYAN AND OTHERS

Versus

DEVI AHILYA VISHWAVIDYALAYA AND OTHERS

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Appearance:

Shri S.C. Bagadia, learned Senior Advocate with Shri Ajay Mishra -
advocate for the petitioners.

Ms. Kirti Patwardhan, learned counsel for the respondent [R-2].

Shri Sanjay Kumar Sharma, learned counsel for the respondent [R-4].
.....

ORDER

1] They are heard and perused the record.

2] This petition under Article 226 of the Constitution of India has
been filed by the petitioners, seeking the following reliefs:-

"7. (a) That, a writ, direction or order in the nature of certiorari or mandamus or as deemed fit be issued, quashing the impugned order dated 08.06.2021 and the representation submitted by the petitioners be accepted.

(b) That a writ, direction or order in the nature of certiorari or mandamus or as deemed fit be issued, directing the respondents to deposit and deduct the contribution of provident fund at the rate of 10% from 01/06/1989 to 21/09/1997 and at the rate of 12% from 22/09/1997 on wards of Basic Pay + Grade Pay (where applicable) + D.A, along with interest. The university be directed to deposit the same contribution along with interest, from the year 1987 as implemented in case of other employees. The contribution of the petitioners may be deemed paid, the respondent university be directed to pay its contribution along with the interest.



(c) This petition may kindly be allowed.

(d) Any other relief which this Hon'ble Court deems fit be issued."

3] The petitioners are aggrieved by the order dated 08.06.2021, passed by the respondent no. 1 whereby, the representation submitted by the petitioners on 12.02.2021, in compliance of the order dated 28.01.2021, passed by this Court in W.P.No.458/2021, has been rejected. In the representation, the petitioners' contention was that the provident fund should be deducted at the rate of 12%, as per Statute no. 26 relied upon by the petitioners at Annexure P/5; whereas the respondents have relied upon the same Statute, which is differently worded and filed it as Annexure P/6.

4] Shri S.C. Bagadia, learned Senior counsel appearing for the petitioners has drawn attention of this Court to Section 55 of the M.P. *Vishwavidyalaya Adhiniyam*, 1973 (hereinafter referred to as the *Adhiniyam* of 1973), which provides for the disputes as to the constitution of University authorities and bodies, and provides that "*if any question arises regarding the interpretation of any provisions of this Act or of any Statutes, Ordinance or Regulation or as to whether any person has been duly elected, appointed as or is entitled to be, a member of any authority, or other body of the University, the matter shall be referred to the Kuladhipati whose decision thereon shall be final.*" Thus, it is submitted that since the dispute is in respect of the Statute No.26 only as to different format of Statutes have been relied upon by the rival parties, the matter may be referred to the *Kuladhipati* who is authorize to set aside the dispute under Section 55 of the *Adhiniyam*



of 1973.

5] Ms. Kirti Patwardhan, learned counsel appearing for the respondent no.2 has opposed the prayer.

6] Shri Sanjay Sharma, learned counsel appearing for the respondent no.4 submits that no relief has been sought against the respondent by the petitioners.

7] In view of the same, this Court is inclined to dispose of this petition and the matter is referred to the *Kuladhipati* where the petitioners shall submit their representations within two weeks along with all the relevant documents. Needless to say that the representation shall be decided by the *Kuladhipati* as expeditiously as possible.

8] With the aforesaid directions, the petition stands *disposed of*.

Certified copy, as per rules.

(SUBODH ABHYANKAR)
JUDGE