

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 4387 OF 2015**

Dr. Nanasaheb Parulekar
Sakal Charity Trust,
Having its address at Survey No. 82/A/1,
And 83/A/1, Sakal Nagar,
Aundh, Pune-411 007.

....Petitioners.

Vs.

- 1 All India Council for
Technical Education (AICTE),
Having its office at 7th Floor,
Chandralok Building, Janpath,
New Delhi-110 001.
Represented through the Chairman,
AICTE and the Member Secretary
AICTE.
- 2 The Union of India,
Ministry of Human Resource
Development, Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi.
- 3 The Directorate of Technical Education,
Maharashtra State, Mumbai,
having its office at 3, Mahapalika Marg,
P.B. No. 19671, Fort,
Mumbai-400 001.
- 4 The Regional Officer,
AICTE, Western Region Office,
having office at 2nd Floor,
Industrial Assurance Building,
V.N. Road, Opposite Churchgate
Railway Station, Churchgate,
Mumbai-400 020.

5 The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education,
Mantralaya, Mumbai-400 032.

....Respondents.

Mr. V.P. Sawant i/by ALMT Legal for the Petitioners.
Mr. Mihir Desai for Respondent Nos. 1 and 4.

**CORAM : ANOOP V. MOHTA AND
K.R. SHRIRAM, JJ.
DATE : 30 APRIL 2015.**

ORAL JUDGMENT (PER ANOOP V. MOHTA, J.)

Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

2 The Petitioners, a Charitable Trust, established under the Bombay Public Trust Act, 1950 in the year 1972, are imparting education being their object and accordingly started the institute called “Sakal International Learning Centre”. Considering the requirement, the Petitioners applied for approval from All India Council for Technical Education, (for short “AICTE”) for the Post Graduate Diploma Management (for short, “PGDM”). They have requisite infrastructure including the land and the building and all other amenities as prescribed by the AICTE. The requisite amount have been accordingly earmarked even for operational expenditure of the institute.

3 By order dated 15 April 2015, the Standing Appeal Committee constituted by Respondent No.1, rejected their Application for starting a new institute as the Petitioners failed to produce original registered documents of the title of the land in question and/or related documents. The Petitioners' statement is that they have filed certified copy of the title documents from records maintained in the office of the Registrar of Land Records. Therefore, in our view, this was not a good/justifiable reason to overlook the basic requirement so complied with and recorded even by the Authority in favour of the Petitioners. The learned counsel appearing for the Petitioners also states that the property is listed in the schedule of properties of the Trust filed with the Charity Commissioner. The learned counsel appearing for the Petitioners makes statement that the requisite undertaking required by Respondent No.1 as a pre-condition is already given with the Application itself. The statement is also made that the Petitioners will file certified copies of the record of rights relating to the property in question within 10 weeks from today.

4 Therefore, considering the totality of the matter and to avoid further delay, and it is necessary that such institute starts, as early as possible, which will take care of the students of the area, we

are inclined to allow this Petition in terms of prayer clause (b). It is made clear that it is only for the academic year 2015-16.

5 We are inclined to observe that the reasons so given by overlooking other facets, in our view, in any way is curable one and by giving appropriate opportunity, this could have been rectified. However, such rejection is communicated late. The Petition is filed on 27 April 2015. Therefore, we are inclined to pass this order and there is no question of denying the claim of Petitioners only on the ground of stated delay, even if any.

6 Writ Petition is accordingly allowed in above terms.

7 Rule is made absolute accordingly. There shall be no order as to costs.

8 The Petitioners to communicate this order by all possible modes.

The parties to act on the basis of an authenticated copy of this order.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)