

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4589 OF 2015

Mahatma Education Society's
Pillai's Institute of Information
Technology, through its authorized
signatory /representative
Mr. Raveendran Pillai.

...Petitioner

Versus

All India Council for Technical
Education (AICTE) through its
Acting Chairman & Ors.

...Respondents

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Mr. Rafiq Dada, Senior Advocate with Mr. C.K. Thomas
for the Petitioner.

Mr. Mihir Desai, Senior Advocate with Mr. S.S. Jadhav
and Mr. Sarnath Sariputta for Respondent Nos.1 & 2.

Ms S.S. Bhende, AGP for Respondent Nos.3 & 4.

Mr. R.A. Rodrigues for Respondent No.7.

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**CORAM : ANOOP V. MOHTA &
A.A. SAYED, JJ.**

DATE : AUGUST 24, 2015.

ORAL JUDGMENT : (Per Anoop V. Mohta, J.):

Rule. Rule made returnable forthwith. By consent of
the parties, taken up forthwith for final hearing.

2. The Petitioner is a linguistic minority educational institution and engineering college conducting courses in various streams since 1999. Counsel appearing for the parties conceded the position that in view of the judgment dated 3rd /14th August, 2015 passed by this Court in Writ Petition No.4586 of 2015 (**Saraswati Education Society's Saraswati College of Engineering V/s. All India Council for Technical Education (AICTE) & Ors.**) and in Writ Petition No.4620 of 2015 (**Karmaveer Bhaurao Patil college of Engineering V/s. All India Council for Technical Education & Ors.**), this petition must succeed as the majority issues are identical in present writ petition and, therefore, it can be disposed of for the reasons so recorded in the said judgments.

3. The Petitioner has placed on record a detailed chart referring to the deficiencies and their respective compliances and justifications / reply to the same, which are supported by documents. After going through the same, even on merits, we are

of the view that a case is made out for the reliefs so sought by the Petitioner.

4. Even on merits we have noted that there are eight buildings in the campus allotted to the institution. The EVC of 2014 in their observation clearly noted the same. Plot No.10A is allotted by CIDCO on leave and license agreement for a period of 60 years to the Petitioner for the exclusive use of the college and not open to the general public. The said document has been accepted by Respondent No.1 as a part of the requisite land area for the engineering college right from the inception of the college. All the colleges have their own independent buildings with adequate infrastructures and same have been approved and accepted every year by AICTE and also observed EVC in 2014-2015. The occupation certificate in respect of the eight buildings issued by CIDCO for the total constructed area is also brought on the record. Separate boys and girls common rooms and cafeteria and all other facilities have been accepted by SCC in 2014 and even recorded by

EVC in 2015. Separate language lab have been provided. Each building has independent lift and separate stair cases. The Petitioner-Society are in possession of the requisite plots alongwith other plots. The total land area is 7.15 acre, which is sufficient to run all the programmes. The land documents have already been submitted and are part of the record.

5. We have observed that the same reasons are applicable in this matter also. Apart from the above additional fact that the person who heard the basic objections of the Petitioner was also party to the appellate forum as the Chairman of the appellate forum. However, considering the total reasons and the records and also the facts, we are convinced that the Petitioner is entitled for the reliefs sought and claimed and, therefore, following order is passed :

ORDER

(a) The Writ Petition is allowed in terms of prayer

clauses (a) and b-(i) & (c).

- (b) Interim order passed by this Court on 6 May 2015 is confirmed.
- (c) The Respondents are directed to consider the representation/case of the Petitioner specifically on the issue of cadre and faculty and related aspects by giving an opportunity of hearing and pass a reasoned order, at the earliest.
- (d) The Respondent-University is directed that in order to avoid the delay in appointments of teaching faculty in the institution like the Petitioner, the proposals received for approval of draft advertisement, roaster, nomination of the subject experts, nomination of nominee of the Vice Chancellor and approval of the candidates selected through duly constituted Selection Committee, such proposals be decided in an expeditious and

time bound manner so as to avoid deficiencies in respect of the same being shown by the AICTE in the proposals of such institution for extension of approval.

- (e) The Petitioner to take steps to remove the deficiencies, even if any, as early as possible.
- (f) Writ Petition is accordingly allowed.
- (g) Rule made absolute accordingly.
- (h) There shall be no order as to costs.

(A.A. SAYED, J)

(ANOOP V. MOHTA, J.)