

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

WRIT PETITION NO.4807 OF 2015

1. Hyderabad (Sind) National Collegiate Board,
A Society Registered under the Provisions of the Societies Registration Act, 1860 and a Trust registered under the Provisions of the Bombay Public Trust Act Having its registered office at Kishinchand Chellaram College Building 124, Dinshaw Vachha Road, Churchgate, Mumbai- 400 020

2. Watumall Institute of Electronics, Engineering and Computer Technology situated at 47, R.G. Thadani Marg, Near Venus Apartment, Worli, Mumbai-400 018

...Petitioners

Versus

1. All India Council for Technical Education, (AICTE), through its Advisor-II (Approval Bureau / Member Secretary), a statutory body of the Govt. of India, 7th floor, Chandralok Building, Janpath, New Delhi-110 001.

2. The Regional Officer, AICTE, Western Region Office, 2nd floor, Industrial Assurance Building, Veer Nariman Road, Opp. Churchgate Railway Station, Mumbai- 400 020.

3. State of Maharashtra through The
Secretary, Higher and Technical
Education, Govt. of Maharashtra
Mantralaya Annex Building,
Mumbai – 400 032.

4. The Director of Technical Education,
Govt. of Maharashtra, 3, Mahapalika
Marg, Dhobi Talao, Mumbai -400 001.

5. The Pravesh Niyantran Samiti,
having its office at 305, Govt. of
Polytechnical Building, Kherwadi, Ali
Yavar Jung Marg, Bandra (East),
Mumbai-400 051.

6. The Registrar,
University of Mumbai, University
Campus,
Fort, Mumbai 400 032.

...Respondents.

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Mr. Pravin Shewale i/b. Mr. J.S. Chandnani for the
Petitioners

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

Ms S.S. Bhende, Asstt. Govt. Pleader for
Respondent Nos.3 & 4.

Mr. R.A. Rodrigues for Respondent No.6.

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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 Petitioners are a minority Sindhi community institution, which runs various colleges, including professional colleges and schools based upon requisite affiliation/ approval, have filed this petition dated 8th May, 2015. Counsel appearing for the parties conceded the position that in view of the judgment 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) & Anr**) 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 issues are identical in present writ petition and, therefore, it can be disposed of for the recorded common facts and the reasons in the said judgments.

3. On 16.11.1981 Petitioner No.2 institute was established with a post graduate diploma course affiliated to the Board of Technical Examination, Maharashtra State with the permission of Technical Education Department. Initially it was an aided institute. On 21.7.1983 Petitioner No.2 affiliated to University of Mumbai. Petitioner No.2 institute was receiving grant-in-aid from State of Maharashtra to run the three year degree course in electronic engineering, computer technology and electronic instrumentation (hereinafter referred to as “the B.Sc. (Tech) Course”) in the period of 1984-2002.

4. Petitioner No.2 started four year degree course B.E. in the year 2003-2004.

5. Petitioner No.2 was granted extension of approval by Respondent No.1 AICTE in the period of 1994-2013. On 23.8.2013 Petitioner No.2 applied to University of Mumbai for continuation of affiliation and paid requisite fees.

6. On 9.1.2014 the Petitioners paid yearly affiliation fees. On 21.5.2014 Petitioner No.2 applied to Respondent No.2 for extension of approval for the academic year 2014-15. On 22.5.2014 show cause notice was issued by Respondent No.1 stating that on surprise visit on 17.2.2014 certain deficiencies viz.

- (i) plot area is 2438.15 sq.mtr. instead of 2.5 acres i.e. 10117 sq.m.
- (ii) Staff students ratio 0:9:33 (9 Adhoc) against 1+5:12:38 and
- (iii) Cadre ratio at present is 0:9:33 against the required ratio 5:12:38 excluding Principal were noticed.

On 3.6.2014 reply filed by the Principal of Petitioner No.2 college that no misrepresentation or concealment of factual position with regard to land and extension of approval was being given. Petitioner No.2 had requisite infrastructure. It was pointed out that it was not possible to improve deficiency with regard to land as there was acute shortage of land in Mumbai. So far as staff student ratio and cadre ratio is concerned, it was assured that the same will be removed within a short period. On 23/24.6.2014 the impugned order was

passed by Respondent No.1 placing Petitioner No.2 under no admission category for the academic year 2014-15. In July, 2014 Petitioners filed Writ Petition (L) No.1488 of 2014 in this Court. On 15.7.2014 this Hon'ble Court stayed the said order and granted ad-interim reliefs in terms of prayer clause (c) whereby Respondent Nos.3 and 4 were directed to continue to include Petitioner No.2's name for the centralized admission process. On 12.11.2014 Petitioners made representations for shifting of Petitioner No.2 from Worli to Ulhasnagar. On 30.4.2015 Petitioners received the impugned order passed by Respondent No.1 thereby putting Petitioner No.2 in "no admission" category for the Academic year 2015-16.

7. The Petitioners have placed on record a detailed chart referring to the deficiencies and their respectful compliances and justifications / reply to the same, which are supported by documents. After going through the same, we are of the view that a case is made out for the reliefs so sought by the Petitioners. All

these issues about requisite land, building, affiliation every year, deficiencies in staff, student and cadre ratio have been dealt with in detail in above judgments. Therefore, for same reasons also we are inclined to allow the petition. Hence, following order is passed :

ORDER

- (a) The Writ Petition is allowed in terms of prayer clause (a).
- (b) Interim order passed by this Court on 13th May 2015 is confirmed.
- (c) The Respondents are directed to consider the representation/case of the Petitioners, 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

Petitioners, 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 Petitioners 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.)