

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6800 OF 2015

Sairaj Shikshan Pratishtan & Anr.

..... Petitioners

V/s

**The State of Maharashtra
Through Secretary & Anr.**

..... Respondents

Mr. Mihir Desai, Senior Advocate a/w Mr. Sandeep R. Waghmare
for Petitioners.

Ms. S.S. Bhende, AGP for Respondent No.1 State.

Mr. Rajendra Anbhule for Respondent No.2 University.

CORAM : ANOOP V. MOHTA &

A.A. SAYED, JJ.

DATED : 8 SEPTEMBER 2015

ORDER:

- 1 Rule, returnable forthwith. Heard finally by consent of the parties.
- 2 The Petitioner No.1 is a registered Trust and Petitioner No.2 is a existing Institute/College imparting education accordingly with necessary permission of the affiliation from the respective authorities since 2013-2014. As per the natural growth for the year 2015-2016 new Courses in B.Com., M.Com. and B.Sc. are required to be started. The Petitioners applied accordingly. Considering the need of the students, the Petitioners have applied for approval for starting new Course in B.Com., M.Com. and B.Sc. faculties. The Respondent University on 25 April 2014

inspected and recommended the Petitioners' case. On 30 May 2014 the Respondent University therefore forwarded the Petitioners proposal to the State Government for grant of permission to start new courses in B.Com., M.Com. and B.Sc. faculties. However, in view of the Government Resolution dated 29 April 2015 the State has not taken decision on individual Application of the Petitioners. Therefore, present Petition filed on 15 July 2015.

3 The Petitioners, in view of the recommendation given by the Respondent University, have already admitted the students who have already deposited the requisite fees for the new additional courses to the Respondent University.

4 The submission is made by the learned Counsel appearing for the parties that the present Petition also can be disposed of in view of the facts mentioned above and also for the reasons so recorded by allowing other Petitions referring to and/or revolving around the Government Resolutions dated 29 April 2015 and 20 July 2015. The learned Counsel appearing for the parties conceded to the position that the present Writ Petition can also be disposed of in view of a Division Bench judgment in **Writ Petition No.6002 of 2015 (Habib Educational & Welfare Society's M.S. College of Law vs. The State of Maharashtra & Ors.)** delivered by this Bench today i.e. dated 8 September 2015 as basic

issues are common and so also the Respondents and Petitioners are also restricting to their claim and case as granted in the said Writ Petition. Therefore, we are inclined to do so. Therefore, following order:

ORDER

- i) It is hereby directed to Respondent No.1 State to forthwith consider the Application filed by Petitioners, in accordance with law for starting a new additional courses in their existing college for the academic year 2015-16, without taking into consideration the Government Resolutions dated 29 April 2015 and 20 July 2015 issued by Respondent No.1 - State.
- ii) It is hereby further directed to Respondent No.2 University to consider granting necessary affiliation to the Petitioners in accordance with law.
- iii) Rule made absolute accordingly. There shall be no order as to costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

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CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.