

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8564 OF 2014

Arihant Education Foundation's
Arihant College of Hotel Management

... Petitioner

Vs.

State of Maharashtra & anr.

... Respondents

Mr.C.K. Thomas for the Petitioner

Mr.A.I. Patel, Assistant Government Pleader, for Respondent Nos.1 & 2

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 24th FEBRUARY, 2015

P.C.:

By this petition, the petitioner – institution challenges the decision of the respondent No.2 refusing to grant approval to the hotel management course conducted by the petitioner institution.

The petitioner institution was running 2 courses - a hotel management course and a certificate course in cookery. The petitioner was granted approval for running the aforesaid courses since 2006 – 2007. The petitioner was permitted to have 2 batches of 25 students each for the hotel management course and one batch of 25 students for the certificate course in cookery. The approval was renewed during each academic year till the academic year 2014-2015. For the academic year 2014-2015 also,

the approval was renewed for the certificate course in cookery. We are concerned with the refusal of grant of approval for the hotel management course for the academic session 2014-2015, as by the impugned decision, the respondents declined to renew the approval for the said course.

It is the case of the petitioner that on a bonafide belief that the approval would be renewed for the hotel management course for the academic session 2014-2015, the petitioner admitted 21 students in the hotel management course. The students have attended the classes and are desirous of appearing at the examination, scheduled in the month of April, 2015. The batch of 21 students are prosecuting the hotel management course and according to the petitioner, grave and irreparable loss would be caused to the students if the students are not permitted to appear at the Summer 2015 examination.

Mr.Patel, the learned Assistant Government Pleader, appearing on behalf of the respondents, states that the petitioner ought not have admitted the 21 students without ensuring that the approval was renewed for the academic year 2014-2015. It is stated that the Circular dated 28.9.2012 was given wide publicity and the petitioner ought not have admitted the students without the renewal of the approval. It is stated that

in case this Court is inclined to grant permission to the students to appear at the Summer 2015 examination, the petitioner should be directed to furnish an undertaking that the petitioner – institution would not admit any students to the hotel management course till the approval is renewed.

In the circumstances of the case and on hearing the learned Counsel for the parties, we are of the view that the 21 students should be permitted to appear at the Summer 2015 examination. The statement made on behalf of the petitioner that the petitioner bonafide believed that the approval would be renewed for the academic year 2014-2015 is worthy of acceptance. The petitioner institution appears to have admitted the students on a belief that the approval would be renewed for the academic session 2014 – 2015 as the same was renewed from time to time every year since the academic year 2006 – 2007.

In view of the reasons aforesaid, we dispose of the writ petition by granting permission to the 21 students of the hotel management course to appear at the Summer 2015 examination. The respondents are directed to permit the students to appear at the examination only if the management furnishes an undertaking in this Court and also to the respondents within a period of 10 days that the petitioner would not admit any students in the

hotel management course in the academic session 2015 – 2016 or any subsequent academic year, till the approval is renewed.

Order accordingly. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)