

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8215 OF 2010

Ishan S. Darekar .. Petitioner

v/s

University of Pune & Ors. .. Respondents

WITH

WRIT PETITION NO. 8218 OF 2010

Pravin Abhimanyu Patil .. Petitioner

v/s

University of Pune & Ors. .. Respondents

WITH

WRIT PETITION NO. 9408 OF 2014

Aditya R. Patil .. Petitioner

v/s

University of Pune & Ors. .. Respondents

WITH

WRIT PETITION NO. 8265 OF 2011

Ishan S. Darekar .. Petitioner

v/s

University of Pune & Ors. .. Respondents

WITH

WRIT PETITION NO. 8274 OF 2011

Pooja Nishikant Shirolkar & Ors. .. Petitioners

v/s

University of Pune & Ors. .. Respondents

WITH
WRIT PETITION NO. 8241 OF 2011

Tanvi Prakash Athalye & Anr.	.. Petitioners
v/s	
University of Pune & Ors.	.. Respondents

WITH
WRIT PETITION NO. 8267 OF 2011

Pravin Abhimanyu Patil	.. Petitioner
v/s	
University of Pune & Ors.	.. Respondents

WITH
WRIT PETITION NO. 8276 OF 2011

Viraj Himanshu Talwalkar & Ors.	.. Petitioners
v/s	
University of Pune & Ors.	.. Respondents

WITH
WRIT PETITION NO. 2311 OF 2011

Ajay Ramesh Choudhary	.. Petitioner
v/s	
University of Pune & Ors.	.. Respondents

WITH
WRIT PETITION NO. 8266 OF 2011

Vinay Manikrao Ingle & Ors.	.. Petitioners
v/s	
University of Pune & Ors.	.. Respondents

Ms. Pooja V. Thorat for the petitioners.
Mr. Sandeep R. Waghmare for respondent no.1.
Mr. Rahul L. Nerlekar for respondent no.3.

**CORAM: MOHIT S. SHAH, C.J. &
B.P. COLABAWALLA, J.**

DATE OF RESERVING JUDGMENT : 12 NOVEMBER 2014

DATE OF PRONOUNCING JUDGMENT: 10 MARCH 2015

JUDGMENT: (Per Chief Justice)

This group of petitions raises an interesting question about interplay between Regulations of the Council of Architecture on the one hand and the Rules of University of Pune on the other hand regarding completion of a part of Bachelor of Architecture Course within a stipulated period and regarding the number of subjects for which ATKT (Allow To Keep Term) may be allowed.

2. B. Arch. Course is of 5 years and on completion of the said course, the degree of B. Arch. is conferred upon the student. The Council of Architecture is a statutory body constituted under the Architecture Act, 1972. The Council of Architecture regulates the minimum standards of Architectural Education in India. As per the regulations framed by the Council of Architecture, there are 12 papers in each academic year, out of which 4 papers are theory papers and 8 papers are sessional papers. Every academic year of B. Arch. course is divided into two semesters wherein every candidate appears for sessional papers in the 1st semester and theory papers in the 2nd semester.

The Council of Architecture Regulations stipulate that the first three academic years of B. Arch course shall be a basic standard course and shall be considered as first stage. It further provides that candidates admitted to the course shall complete the first stage of 3 academic years (i.e. 6 semesters) within 5 years of admission to the course.

3. Regulation 2 of the Minimum Standards of Architectural Education, 2008 reads as under:-

“2. Duration and Stages of the Course.

(1) The architecture course shall be of minimum duration of 5 academic years/10 semesters of approximately 18 working weeks each inclusive of one year of practical training after the first stage in a professional's office.

(2) The 5 years Bachelor's Degree Course in Architecture may be conducted in two stages.

(3) The First stage of the course shall be the first 3 academic years or 6 semesters (each of approximately 18 working weeks) of institutional academic studies. The First stage shall be completed within 5 years of admission to the B.Arch. Course.

(4) The Second stage of the course shall be of 2 academic years/ 4 semesters including one year of practical training.

(5) Registration under the Architects Act, 1972, is acceptable only after successful completion of both the stages."

4. The relevant University Rule reads as under:-

“Rule no.5 : RULES OF A.T.K.T.

As a general rule a student shall be allowed to keep term for the next year of study of the course if he/she has a backlog of not more than FOUR HEADS of passing in the preceding year.

a) A student shall be allowed to keep term for Second Year B. Arch. course if he/she has a backlog of not more than FOUR HEADS of passing in Theory/sessional/ Viva-voce examination at First Year B. Arch.

b) A student shall be allowed to keep term for the Third Year B. Arch. Course, if he/she has no backlog of First Year B.Arch. and if he/she has a backlog of not more than FOUR HEADS of passing in Theory/Sessional/Viva-voce examination at Second Year B. Arch.

c) A student shall be allowed to keep term for the Fourth Year only if he/she has no backlog Second Year B. Arch. and if he/she has a backlog of not more than FOUR HEADS of passing in Theory/sessional/Viva-voce examination at Third Year B. Arch.

d) Fourth & Final Year are considered as Integrated Stage II of the course and hence students will be allowed to take admission to Fifth Year irrespective of the number of subjects in which they are failing at the Fourth Year.”

5. The question which arises for our consideration in this writ petition is whether the ATKT rules framed by the respondent-university override regulation 2(3) of the Minimum Standards of Architectural Education, 2008 prescribed under section 21 of the Architects Act, 1972.

6. The learned counsel for the petitioner relies on the decision dated 8th September, 2004 of a Division Bench of this Court in Writ Petition No.5942 of 2004, Shri Prince Shivaji Marathi Boarding House's College of Architecture, Kolhapur & ors. v. State of Maharashtra & ors., and particularly para 14 of the said decision in support of her contention that the Regulations framed by Council of Architecture are a complete code for registration and education of architects and that, it is not open to the respondent-university to prescribe different rules for ATKT. It is further pointed out that by now the petitioner has already cleared all the papers of First Year B. Arch. at the exam held in November, 2010.

7. The learned counsel for the Council for Architecture supports the petitioner's contentions and relies on the following submissions made in para 8 of the affidavit on behalf of Council of Architecture:-

“8. I say that it has come to the notice of the Council of Architecture that the students pursuing the first stage (i.e. 1st to 6th Semesters) the 5-year B.Arch. course are being detained in some colleges/schools on the grounds that they have not cleared some papers of the first stage. In this regard, it is clarified that no student should be detained in first/second stage of the B.Arch. course on account of having failed in any/ some of the papers of his/her first stage of the course till he/ she has 5 years from the time of admission to clear the back papers. Hence, the students who have failed in any/some of the papers of the first stage of B.Arch. course, should be allowed to continue their B.Arch. course provided they clear all their papers of the first stage of the course within 5 years of their admission to the course.....”

8. The learned counsel for the University of Pune made the following submissions:-

(i) The provisions of the Maharashtra Universities Act, 1994 confer powers upon the Academic Council to frame syllabus of the courses of study under its purview. Under section 30(1) of the said Act, the Academic Council of the University is the principal academic authority responsible for regulating and maintaining the standards of teaching, research and examinations in the University. In exercise of the aforesaid powers, the Academic Council of University of Pune has framed the syllabus for the course of Bachelor of Architecture (B. Arch.) of which the ATKT Rules form an integral part.

(ii) Entry 25 of List III and Entry 66 of List I of the Seventh Schedule to the Constitution of India have to be read together in a harmonious manner. The standards fixed by the Council of Architecture pursuant to Entry 66 of List I and the standards fixed by the State and the ATKT Rules framed by the University under the said legislation are standards fixed in exercise of the powers conferred under Entry 25 of List III, while the prescription of the standards fixed by the University cannot be adverse and/or derogatory to or lower than the standards fixed by the Council of Architecture. But the standards fixed by the University can be higher than the standards prescribed by the Council of Architecture.

Reliance is placed on the decision of the Supreme Court in *State of Tamil Nadu vs. S.V. Bratheep (Minor) & Ors.*¹ and the decision of the Karnataka High Court in *Byregowda H. & Ors. vs. Karnataka Examinations Authority*²

(iii) Clause 6 of the Minimum Standard of Architectural Education, 2008 framed by the Council of Architecture does not derecognise the powers of University to prescribe the standards higher than those prescribed by the Council of Architecture. Clause 6 made by the Council of Architecture recognizes the power of the University to prescribe minimum standards of architectural education including framing of ATKT Rules. Thus, the ATKT Rules are within the powers of the University to prescribe higher standards as regards eligibility for keeping terms for the next year of B. Arch. course.

(iv) The harmonious reading together with the Rules of Minimum Standard of Architectural Education, 2008 prescribed by the Council of Architecture along with the impugned ATKT Rules framed by the University have been considered and upheld by the Division Bench of this Court in *Darshan Chandrashekhhar Upase vs. Union of India & Ors.*³

1 AIR 2004 SC 1861

2 Order dated 14/8/2013 passed in W.A. Nos.3831-44/2013 EDN-CET

3 Writ Petition No. 3024 of 2012

(v) The examining body – the University can impose conditions in relation to its own requirements such as -

- (a) eligibility of students for admissions
- (b) conduct of examinations
- (c) the manner in which prescribed courses should be completed
- (d) the conditions imposed by NCTE are complied with

Reliance is placed on the decision of the Apex Court in *Maa Vaishno Devi Mahila Mahavidyalaya vs. State of Uttar Pradesh*⁴. Reliance is also placed on the decision of the Apex Court in *Vishveshwaraiah Technological University & Anr. vs. Krishnendu Halder & Ors.*⁵

(vi) The ATKT Rules prescribed by the University do not override the Regulations framed by the Council of Architecture, but are complementary to the said Regulations. The ATKT Rules in question are in the nature of an exception to the main rule that every student has to clear the academic examination in its entirety for his promotion to the next academic year. The ATKT Rules is a beneficial legislation in the form of a concession given to the students thereby allowing them to keep the terms of their previous year and getting promoted to the next year under certain conditions. Concession / benefit is given subject to two conditions, viz.

⁴ (2013) 2 SCC 617

⁵ (2011) 4 SCC 606

- (a) That a student shall be allowed to keep term of a particular year only if he has no backlog of the preceding year;
- (b) That a student shall be allowed to keep in not more than four heads of passing in the Theory / Sessional / Viva-voce examination.

Hence, no benefit of ATKT can be granted unless both these conditions are fulfilled. The ATKT Rules prescribed by the University do not override Regulation 2(3) of the Minimum Standards of Architectural Education, 2008 prescribed by the Council of Architecture. The said Rules provide that the first stage of the course shall be the first 3 academic years or 6 semesters of institutional academic studies. The first stage shall be completed within 5 years of the admission of B. Arch. course. The usage of words “3 academic years” in itself denotes that the first stage of the course has been split into 3 separate, distinct and independent academic terms of one year each and not extended for a single term of 3 years as a whole. This means that the Regulations of the Council of Architecture also presupposes that in the absence of ATKT Rules, every student will have to clear the academic examination in its entirety for his promotion to the next academic year. The concession / benefit of keeping terms is thus an exception to the

main rules of clearing the academic examination in its entirety in the same year.

9. There cannot be any dispute about the proposition that the Regulations made by the Council of Architecture and the Examination Rules made by the University of Pune are required to be read harmoniously. The relevant Rules 2, 3, 4 and 5 for Bachelor of Architecture framed by the University of Pune read as under:-

“Rule no.2: SCHEME OF ASSESSMENT.

A candidate to be eligible for the degree of Bachelor of Architecture will be required to appear for and pass examinations as under:

Examination	consisting of
STAGE-I	
1. First Examination in Architecture	(I B.Arch.) Term I & II
2. Second Examination in Architecture	(II B.Arch.) Term I & II
3. Third Examination in Architecture	(III B.Arch.) Term I &
STAGE-II	
4. Fourth Examination in Architecture	(IV B.Arch.) Term I & II
5. Bachelor of Architecture	(V B.Arch.) Term I & II

Rule no.3: GRANTING OF TERM

The candidate will be permitted to appear for annual examination only if he/she keeps term at a College affiliated to the University.

Rule no.4: PREREQUISITES FOR ADMISSION TO HIGHER CLASSES

A student shall be promoted to higher class only if he has scored minimum 45% marks in each theory head & 50% marks in each sessional / sessional & vivavoce head.

For admission to stage II of the course:

- *Candidate admitted to the course shall complete the first stage within five years of admission to the course.*
- *The pass percentage shall not be less than 50% in the aggregate marks of F.Y., S.Y. and T.Y. at the end of Stage I.*

Rule No.5: RULES FOR A.T.K.T

As a general rule a student shall be allowed to keep term for the next year of study of the course if he/she has a backlog of not more than FOUR HEADS of passing in the preceding year.

a) A student shall be allowed to keep term for the Second Year B. Arch. course if he/she has a backlog of not more than FOUR HEADS of passing in Theory/Sessional/Viva-voce examination at First Year B. Arch.

b) A student shall be allowed to keep term for the Third year B. Arch. Course, if he/she has no backlog of First Year B. Arch. and if he/she has a backlog of not more than FOUR HEADS of passing in Theory/sessional /Viva-voce examination at Second Year B. Arch.

c) A student shall be allowed to keep term for the Fourth Year only if he/she has no backlog Second Year B. Arch. and if he/she has a backlog of not more than FOUR HEADS of passing in Theory/sessional/Viva-voce examination at Third Year B. Arch.

d) Fourth & Final Year are considered as Integrated Stage II of the course and hence students will be allowed to take admission to Fifth Year irrespective of the number of subjects in which they are failing at the Fourth Year.

10. Having heard the learned counsel for the parties, we find considerable substance in the submissions made on behalf of the University that the University in exercise of the powers conferred by

the Maharashtra Universities Act has the power to make Rules for examinations which lay down standards higher than the standards prescribed by the Regulations made by the Council of Architecture.

11. On a harmonious reading of the aforesaid Rules, it is clear that a student cannot be promoted to the next year of study if he/she has a backlog of more than 4 heads of passing. Hence a student with a backlog of 5 heads of passing would not be eligible for promotion to the next year. In other words, such a student cannot be allowed to keep terms for the next year. The only question which would require examination is what would happen in a case where the backlog is not more than 4 heads of passing, but the backlog papers are of more than one year, that is to say if a student has a backlog of one paper in F.Y. B. Arch. course and the backlog of three papers in S.Y. B. Arch. course; whether such a student would be allowed to keep terms for the T.Y. B. Arch. course.

12. The learned counsel for the University submitted that such an eventuality would not arise because Rule 5, particularly clause (b) thereof, provides that a student shall be allowed to keep terms for T.Y. B. Arch. course if he/she has no backlog of F.Y. B. Arch.. However, we find that the respondents or the respondent college has in the past allowed some of the petitioners to keep terms for T.Y. B. Arch. course even though they had backlog of one or two papers in F.Y. B. Arch. and also a backlog of one or two papers in S.Y. B. Arch.

13. It appears that the substantive part of Rule 5 would call for some interpretation. The substantive part of Rule 5 reads as under:

“As a general rule a student shall be allowed to keep term for the next year of study of the course if he/she has a backlog of not more than FOUR HEADS of passing in the preceding year.”

(emphasis supplied)

Should the words “the preceding year” be read as “in the immediate preceding year”? That is the question arising for our consideration.

The expression “in the preceding year” in Rule 5 is required to be considered and interpreted. The Concise Oxford English Dictionary defines “precede” as under:-

*“**precede** – come or go before any time, order or position”*

14. Learned counsel for the University would submit that clauses (b), (c) and (d) of Rule 5 squarely indicate that the backlog papers can only be of the immediate preceding year because for admission to T.Y B. Arch. course, a student should not have backlog of F.Y. B.Arch. and backlog, if any, of S.Y. B.Arch course should not be in more than four papers.

15. It is at this stage that Regulation 2 of the Minimum Standards of Architectural Education, 2008 would step in. Regulation 2 provides for duration of the architectural course as minimum duration of 5 year course and regulation 2(2) provides that 5 years Bachelor's Degree Course in Architecture may be conducted in two stages. Regulation 2(3) provides that the first stage of the course shall be the first 3 academic years or 6 semesters of institutional academic studies. The regulation then provides that the first stage (of 3 years) shall be completed within 5 years of admission to the F.Y. B. Arch. course.

16. Suppose a student admitted to F.Y. B. Arch. course in June 2008. Suppose the student failed in F.Y. B. Arch. in 4 subjects, he would be allowed to keep terms of S.Y. B. Arch. from June 2009 to May 2010. Suppose he passed all the papers of S.Y. B. Arch. in April 2010 and also cleared 3 papers of F.Y. B. Arch. at the backlog examination in April 2010 and thus there was a backlog of only one F.Y. B. Arch. paper. If the ATKT Rules are read and interpreted as contended by the University: According to the University, this student would not be eligible for promotion to T.Y. B. Arch. in June 2010 and he would have to repeat the terms of F.Y. B. Arch. in the year June 2010 to May 2011. Only on his clearing the backlog paper of F.Y. B. Arch. in April 2011, he would then be considered eligible for admission to T.Y. B. Arch. in June 2011, i.e. for the academic year June 2011 to May 2012.

17. Let us now consider whether it would be open to the University to provide a rule that the first part of the B. Arch course i.e. three academic years must be completed within three years of the admission to the B. Arch course? Such a rule cannot be construed as laying down higher standards but as laying down different standards.

18. In the judgment dated 8 September 2004, a Division Bench of this Court in Writ Petition No. 5942 of 2004 (Shri Prince Shivaji Maratha Boarding House's College of Architecture, Kolhapur vs. State of Maharashtra & others, laid down the following principles in the context of controversy about the scope and ambit of the powers of All India Council for Technical Education vis-a-vis the Council of Architects.

“20. In the light of the above observations it is obvious that the Legislature never intended to confer on the AICTE a super power undermining the status, authority and autonomous functioning of the existing statutory bodies in areas and spheres assigned to them under the respective legislations. There is nothing in the AICTE Act to suggest a legislative intention to belittle and destroy the authority or autonomy of Council of Architecture which is having its own assigned role to perform. The role of the AICTE vis-a-vis the Council of Architects is advisory and recommendatory and as a guiding factor and thereby subserving the cause of maintaining appropriate standards and qualitative norms. It is impossible to conceive that the Parliament intended to abrogate the provisions of the Architects Act embodying a complete

code for architectural education, including qualifications of the architects by enacting a general provision like section 10 of the AICTE Act. It is clear that the Parliament did have before it the Architects Act when it passed AICTE Act and Parliament never meant that the provisions of the Architects Act stand pro tanto repealed by section 10 of the AICTE Act. We, therefore, hold that the provisions of the Architects Act are not impliedly repealed by the enactment of AICTE Act because in so far as the Architecture Institutions are concerned, the final authority for the purposes of fixing the norms and standards would be the Council of Architecture.

(emphasis supplied)

When one set of Regulation is made by the Council of Architecture under the Architects Act, 1972 (which is a Central Legislation) and the other set of Rules is made by the Pune University under the Maharashtra Universities Act, 1994 (which is a State Legislation), we are of the view that the principles laid down in the above judgment would apply with greater force.

19. When the University prescribes ATKT rules that backlog should not be of more than four papers, such a rule certainly provides for higher standards of education and, therefore, the ATKT rules of the University contained in Rule 5 of the University Rules prescribing that a student shall be allowed to take term for the next year if such a student has a backlog of not more than four papers of passing must be treated as a mandatory rule, but on the question of interpretation of the words “preceding year”, it cannot be read as “the immediate preceding year”.

20. When the Regulations framed by the Council of Architecture have been held by this Court in Writ Petition no.5942 of 2004 as a complete Code for education of Architects, the rule that students may pass the first stage of the B.Arch. course i.e. first three academic years in five years from the date of admission to the B.Arch. course cannot be rendered otiose by allowing the University to contend that by virtue of its ATKT Rules, a student cannot be allowed to keep terms of the 3rd Year only on ground that the student has not cleared one out of 12 papers in the F.Y. B.Arch. course, that can be described only as a different standard altogether and not a higher standard, but as explained above, for the purpose of ATKT, the backlog could not be more than four papers is a reasonable rule prescribing higher standards of education than the standards prescribed in the rules of the Council of Architecture.

21. In as many as seven cases, the concerned students had passed all papers in the S.Y. B. Arch. at the time of appearing for the T.Y. B. Arch., the backlog was only for one paper in F.Y. B.Arch. course. In view of the interim orders, they were permitted to appear at the 3rd Year B.Arch Course.

22. We may now deal with the judgment dated 11 April 2012 of another Division Bench of this Court in **Darshan Chandrashekhar Upase vs. Union of India & Ors.**⁶ heavily relied upon by the learned counsel for the Pune University in support of the contention that the

⁶ Writ Petition No. 3024 of 2012

ATKT Rules would prevail notwithstanding the Regulations framed by the Council of Architecture.

The petitioner in that case took admission to the 1st Year B.Arch. course in June 2004. Thus the five year period in his case expired in May 2009, during which period the petitioner failed to pass the 3rd Year B.Arch. course. The Court, therefore, held that the petitioner became ineligible to continue the B.Arch. course from the academic year 2009-10, nevertheless he was admitted by the college to the 4th Year B.Arch. course and the University permitted him to appear in the 4th Year B.Arch. examination and was thereafter admitted to the 5th Year B.Arch. course in June 2011. The petitioner passed the 3rd Year B.Arch. examination in October 2011. Thus, the petitioner had failed to complete the first stage of first three academic years (six semesters) within five years from the date of taking admission. Still however the petitioner was admitted to the 5th Year B.Arch. course in June 2011 although he had not passed the 3rd Year B.Arch. course by June 2011; the petitioner passed the 3rd Year B.Arch. course in October 2011 and, therefore, the Court relied upon proviso to Regulation 3(3) of the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983 which provides that “candidates admitted to the course shall complete the first stage (first 3 academic years / 6 semesters) within five years of admission to the course”. The Court also relied upon Rule 5.3 of the ATKT Rules of the Pune University, which reads as under:

“5.3 Student seeking admission to Final Year B.Arch. must have cleared Third Year B.Arch.”

It is thus clear that the Division Bench in **Darshan Chandrashekhar Upase** (supra) was not required to consider the question, which is the subject matter of controversy in the present group of petitions.

23. In view of the above discussion, we are of the view that Rule 5 of the rules of the Pune University prescribing that for the purpose of getting ATKT, the backlog should not be more than four papers is a mandatory rule which prescribes higher standards of education than the standards prescribed by the Council of Architecture, but that part of the substantive Rule 5 of Pune University Rules which purportedly interpreted in clauses (a) to (d) to the Rule if interpreted to mean that backlog should be only in the immediate preceding year and not in any previous year will have to be read as laying down a different standard than the standards of education laid down by the Regulation 2(3) of the Council of Architecture Regulations which prescribes clearing three academic years of B.Arch. course of the Five Year B.Arch. course in five years from the date of admission to the 1st Year B.Arch. course. Hence, substantive part of rule 5 has to be read in light of the above Regulation 2(3) of the Council of Architecture. Clauses (a) to (d) of Rule 5, in so far as they interpret “the preceding year” as “the immediate preceding year” have to be treated as going beyond the Regulation 2(3) of the Regulations of the Council of Architecture Regulations.

24. Even while declaring the substantive part of Rule 5 containing the ATKT Rules of the Pune University, read and interpreted as above, within the framework of the Rules of the Council of Architecture, we would like to make it clear that the petitioners who have already been admitted and granted the benefit of the ATKT Rules under the interim orders of this Court or on account of any act or omission on the part of the respondents, such students shall not be deprived of the benefit of the results at the examinations in which they have appeared so far and the respondents shall declare the result of such examinations. However, in future the Respondent-University and the Respondent- Colleges shall act on the basis of the declaration of law as made hereinabove.

25. The learned counsel for the petitioner in Writ Petition No. 9408 of 2014 invited our attention to the fact that this petitioner- Aditya Patil had secured admission to 1st Year B.Arch. course in June 2011 and he has only one backlog paper of 2nd Year B.Arch. course, but he is not permitted to appear for the 4th Year B.Arch. examination on the ground that backlog was not in the 3rd Year B.Arch. course but in the 2nd Year B.Arch. course.

26. In view of the declaration made by us hereinabove, since backlog in Writ Petition No. 9408 of 2014 is of not more than four papers, we direct the respondent to follow the principles laid down in the present judgment and to permit the petitioner – Aditya Patil to appear for 4th Year B.Arch. course examination during the current

academic year, including the 1st Semester examination of the 4th Year B.Arch. course. In view of the above, the respondent shall conduct the examination for the 1st Semester in the 4th Year B.Arch. course for the petitioner during the current academic year 2014-15.

27. All the petitions stand disposed of in terms of the above declarations and directions.

CHIEF JUSTICE

(B.P. COLABAWALLA, J.)

After the judgment is pronounced, the learned counsel for the Pune University prays for stay of operation of the judgment in order to have further recourse in accordance with law.

The learned counsel for the petitioners opposes the prayer.

In the facts and circumstances of the cases and having regard to the fact that most of the petitioners were protected by ad-interim / interim orders of this Court during pendency of these petitions, we are not inclined to grant any stay as prayed for. The prayer is, therefore, rejected.

CHIEF JUSTICE

(B.P. COLABAWALLA, J.)