

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9628 OF 2015

...

R.P.Education Trust's R.P.College
of Hospitality and Management

...Petitioners

v/s.

State of Maharashtra & ors.

...Respondents

...

Mr.C.K.Thomas i/b C.K.Thomas & Associates for the Petitioner.

Mr.C.P.Yadav, AGP for State.

Mr.R.A.Rodrigues for Respondent No.2.

...

CORAM : ANOOP V. MOHTA &

A.A.SAYED, JJ.

DATED : 29 OCTOBER 2015

ORDER:

Rule. Returnable forthwith. Heard finally by consent of parties.

2. Petitioners are a Trust registered under the Bombay Public Trust Act, 1950. Petitioners' Institution are in remote and adivasi area, where there is a need of educational Institutions like Degree and other courses. On 30 October 2014, pursuant to the advertisement inviting application for starting Degree Courses by Respondent No.2 as per their perspective plan for the academic year 2015-16, the Petitioners applied to Respondent No.2 for new Degree College of B.Sc. In Hospitality studies and B.A. In Culinary arts at Vasai (W), District: Palghar from the academic year 2015-16 will all relevant documents/fees etc.

3. In response to the aforesaid Application, Respondent No.2 informed the Petitioners that the Petitioner's Application has been accepted and called upon the Petitioners to submit the attested documents as per Annexure 'B' attached thereto and thereby informed the Petitioners that the scrutiny of the same has been fixed at Respondent No.2's Fort Campus. Accordingly the Petitioners attended the said scrutiny and furnished all original documents to Respondent No.2.

4. Respondent No.2 vide is letter dated 6 February 2015 informed the Petitioner that the Expert committee shall visit the Petitioners' College for verifying the availability of basic essential physical infrastructure, financial position etc. By letter dated 6 July 2015, Respondent No.2 informed the Petitioners that the Expert Committee report has been submitted to the Academic Council of Respondent No.2 and that the Petitioners' Application has been recommended to Respondent No.1 for necessary permission.

5. By impugned communication dated 21 August 2015, Respondent No.2 informed the Petitioner that in view Government Circular dated 29 March 2015 and Resolution dated 20 July 2015, the Respondents cannot grant the necessary permission and affiliation to the Petitioners aforesaid new Degree College.

6. Learned Counsel appearing for parties concede to the position that the issues raised in this Petition are covered by the judgment dated 8 September 2015 of this Court in Writ Petition No.6002 of 2015 (**Habib Educational & Welfare Society's v/s. The State of Maharashtra & ors.**).

7. Therefore, the following order is passed:

(i) Respondent-State to forthwith consider and grant necessary approval to the Petitioners' Application for starting a new B.Sc. (In Hospitality Studies) and B.A. (in Culinary Arts) College at Plot No.44, Shashri Nagar, Opp. Ganpati Mandir, Vasai (W), District: Palghar as provided under Section 82(5) of the Maharashtra Universities Act, without taking into consideration the Circular dated 29-04-2015 and Government Resolution dated 20-07-2015 issued by Respondent No.1 and also the impugned Communication dated 21-08-2015 issued by Respondent No.2 in accordance with law.

(ii) Respondent-University to forthwith take appropriate action u/s 83 of the Maharashtra Universities Act, 1945 for granting necessary affiliation to the Petitioners' new Arts, Science, Commerce and BMS College at Khanivli Wada, District: Palghar in accordance with law.

(iii) Rule made absolute accordingly. No costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA J.)