

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4757 OF 2014

(Sainath Shikshan Sanstha vs. Rashtrasant Tukdoji Maharaj Nagpur University and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri B.G. Kulkarni, Advocate for petitioner.

Shri P.B. Patil, Advocate with Shri R. Wakode,
Advocate for respondent no.1.

Smt. K. Deshpande, Assistant Government Pleader
for respondent no.2.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : OCTOBER 14, 2015

Heard learned Counsel for the parties.

We find that on 3/9/2013, First Time
Affiliation Committee after visit prepared a report
and noted certain deficiencies. The petitioner
thereafter made three representations, but impugned
order refusing first time affiliation came to be passed
on 17/7/2014. Effort of the petitioner is to
demonstrate that report prepared by the said
Committee is inconsistent. Certain receipts are also

produced to demonstrate that articles/apparatus/books were already purchased.

Adv. Patil appearing for respondent no.1 invites our attention to the fact that report on deficiencies was prepared on spot, its copy was handed over to petitioner then and there and it was also uploaded. He submits that certain infrastructural facilities were found lacking and decision on that report was taken on 17/7/2014. He has also invited our attention to the fact that in the meanwhile, without waiting for first time affiliation, certain admissions were made by the petitioner though it was not legally permissible.

Adv. Kulkarni appearing for petitioner has pointed out that though admissions were made under mistaken advice, the students were then shifted to other recognized Colleges and there are no complaints whatsoever. He invites our attention to documents on record to show that in inspections, which revealed more glaring lacunae, the first time affiliation has been granted.

We have perused documents produced by respondent no.1 University itself along with its

additional affidavit, which support contention of petitioner. We find that petitioner has made some investment and even going by report of first time Affiliation Committee, certain facilities were then available. Permission to start College is also legally procured and hence, area which deserves College is still unserved. Interest of justice can, therefore, be met with by directing respondent no.1 to conduct a surprise check to find out various compliances and lacunae. The College can now start its educational activities only in the next academic year 2016-17. Keeping this fact in mind, we direct respondent no.1 to conduct inspection and take other suitable steps as are required in law in a time bound manner.

With the above direction, we partly allow writ petition and dispose it of. No costs.

JUDGE

JUDGE

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