

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

WRIT PETITION NO.5918/2015.

Amit Subhash Tihile

-VERSUS-

Kavi Kulguru kalidas Sanskrit Vishwa Vidyalaya, Nagpur and another.

with

WRIT PETITION NO.5154/2015.

Surabbhi jan Kalyan Sanstha, Nagpur

-VERSUS-

Kavi Kulguru kalidas Sanskrit Vishwa Vidyalaya, Nagpur and another.

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

Court's or Judge's Orders

CORAM : **B.P. DHARMADHIKARI**
& V.M. DESHPANDE, JJ.

DATE : **NOVEMBER 17, 2015.**

Heard Shri M.I. Dhattrak, learned Counsel
for petitioner in Writ Petition No.5918/2015 and Shri
A.R. Patil, learned Counsel for petitioner –
Management in Writ Petition No. 5154/2015. Shri
B.G. Kulkarni, learned counsel for respondent – Kavi
Kulguru Kalidas Sanskrit Vishwa Vidyalaya, Shri A.P.
Thakare, learned Counsel for respondent no.3 in Writ
Petition No.5154/2015 and learned A.G.P. for

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respondent – State.

2. The Management of a College which is currently functioning at Beltarodi, and its students are before this Court. Grievance is, Kavi Kulguru Kalidas Sanskrit Vishwa Vidyalaya, should be directed to accept the examination forms of its students and examine them. The examination is scheduled to commence from 19.11.2015.

3. We find that the College has been approved at the premises located at Naik Road, Mahal, area of Nagpur City. The Management in Writ Petition No. 5154/2015 submits that as the landlord of the said premises located at Naik Road, objected the functioning of the college, the same was shifted to premises of Nutan Bharat Vidyalaya at Ramnagar. Thereafter, because of similar objection, it was required to be shifted to Beltarodi, wherein it is going on smoothly.

4. Shri Kulkarni, learned counsel appearing for the University points out that the college appears to be functioning at Beltarodi, as also at Naik Road, and establishment at Naik road is only approved. He further relies upon the investigation report prepared

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after visit to the premises at Naik Road, and submits that the approved staff is even working at the college premises there. When the premises at Beltarodi were visited, 2 or 3 unapproved teachers, one peon and one librarian (not qualified) were found working in Beltarodi premises. He further submits that said inspection committee has specifically noted that three approved teachers functioning at Naik Road were shown only on documents as working at Beltarodi area.

5. This report submitted by the Committee to the University has come on record as Annexure-R2 along with the submissions of University dated 21.09.2015.

6. We also find that on 12.08.2015, the University has specifically communicated to all concern that the college at Naik Road only is approved and if it is also functioning elsewhere, students admitted there will not be accepted as regular or valid students. Students, their parents and management shall be responsible for the welfare and education of such illegal students.

7. The petitioner Management in Writ

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Petition No.5154/2015 claims that unauthorized Management which has lost in elections is operating college at Naik Road. Shri Thakare, learned counsel appearing for that management disputes this. He submits that an effort was made by his client to obtain suitable orders by moving application under Section 41A of the Bombay Public Trust Act, but, that effort failed.

8. We need not to into these niceties at this stage. The approval is to the college, if it is functioning at Naik Road. The University has found that College is functioning at Naik Road and staff approved by it is also working in that college.

9. In this situation, we find that no case is made out for issuing directions to the University to permit the students admitted by the management at its Beltarodi establishment to appear for its examination. In view of this finding, Writ Petition No. 5918/2015, is rejected.

10. In so far as Writ Petition No.5154/2015 is concerned, the management running the college at Beltarodi seeks affiliation to that college with all necessary permissions. There is no challenge to the

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college functioning at Naik Road. In the light of the above discussion, we find no merit in Writ Petition No.5154/2015. It is also rejected. No cost.

JUDGE

JUDGE

Rgd.