

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5194 OF 2005

Shri Chhatrapati Shivaji Maharaj
Shikshan Prasarak Mandal, Sonpeth
Dist. Parbhani through its Secretary
Shri Rajesh S/o Uttamrao Vitekar
and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri P. S. Dighe, Advocate h/f Shri R. L. Kute, Advocate for
Petitioners.

Shri V. H. Dighe, A.G.P. for the Respondent No. 1.

Shri D. R. Irale Patil, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
N. W. SAMBRE, JJ.**

DATE : 16TH SEPTEMBER, 2016.

PER COURT :

. The letter withdrawing affiliation from the academic year 2005-2006 of the petitioner institution is assailed in the present writ petition. This Court on 10th August, 2005 had prima facie observed that, the authorities have not complied with requirement of Sec. 44 of the Maharashtra Agricultural Universities Act and had granted interim relief in terms of prayer clause "D". The said prayer clause "D" reads as under :

"D. Pending hearing and final disposal of this Writ Petition, grant stay to the impugned letter and/or order dated 25.7.2005 passed by the respondent No. 2 University and for that purpose issue necessary orders;"

2. The impugned communication withdrawing recognition was stayed by this Court and since the said date i. e. 10.08.2005 stay is in force.

3. It would not be appropriate to unsettle the position after eleven years. Rule is accordingly made absolute in terms of interim orders passed on 10th August, 2005.

4. In case, if, any fresh cause arises for the respondent authorities, the respondents are entitled to take fresh action. In that case the petitioner will have every liberty to assail the same. The writ petition is as such disposed of. No costs.

[N. W. SAMBRE, J.]

[S. V. GANGAPURWALA, J.]