

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 3247 OF 2016

St. Francis Institute of Technology
& Ors.

..Petitioners

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. S.C.Naidu a/w. Aniket Poojari i/b. C.R.Naidu & Co. for the
Petitioner.

Mr.L.M.Acharya, Special Counsel a/w. Mr. P.P. Kakde, AGP for the
Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 24, 2016.**

P.C.

1. Heard Mr. Naidu and Mr. Acharya, learned counsel appearing for the respective parties.
2. Mr. Naidu, learned Counsel at the outset restricts this petition to the relief claimed in amended prayer clause (bb). Statement accepted. The relief claimed in the said prayer reads as under:

(bb) That this Hon'ble Court be pleased to issue writ of

Certorari or any other writ, order or direction quashing and setting aside the eligibility conditions and requirements for Professional Education Under-Graduate Courses fro Engineering and Technology and as set ot in Schedule B Sr.No.1 Clause A(1)(ii) being in violation of Article 14 of the Constitution of India and ultra vires provisions of the AICTE Act.”

3. By the notification dated 11.3.2016 issued under Section 3 of the Maharashtra Unaided Private Professional Education Institutions (Regulation of Admission and Fees) Act, 2015. The Government of Maharashtra prescribed the criteria higher than that of UGC and AICTE for the Engineering Degree courses.

4. Mr. Naidu, learned Counsel for the petitioner does not dispute the authority of the Government in this regard. However, he contends that the action of the Government in prescribing the criteria higher than that of UGC or AICTE is arbitrary.

5. Mr. Acharya, learned Special Counsel opposed the petition. He submits that the decision of the Government cannot said to be arbitrary. He relies upon the decision of the Apex Court in Visveswaraiah Technological University & Another vs. Krishnendu

Halder & Ors. (2011) 4 SCC 606.

6. Having considered the submissions and having gone through the decision of the Apex Court in *Visveswaraiah* (supra) , and especially the observatin of the Apex Court in para 12, 13 and 15 we do not find the impugned decision of the Government as arbitrary. On the contrary we find that the decision is taken with a view to achieve excellency in higher education, and the same is not adverse to the criteria laid down by the UGC and the AICTE.

7. The petition is devoid of any merits. The same is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)