

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4663 OF 2016

Shree Chanakya Education Society
Versus

...Petitioner

The Savitribai Phule Pune University
& Anr.

...Respondents

...

Mr. Girish Godbole with Dr. Abhinav Chandrachud and Ms. Cheryl
Fernandes i/b. ALMT Legal for the Petitioner.
Mr. Rajendra Anbhule for Respondent No.1
Mr. V.M. Mali, A.G.P. for Respondent No.2-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 8th JULY, 2016.

P. C. :

Heard the learned counsels for the respective parties.

2. At the outset Mr. Godbole, the learned counsel for the Petitioner states that Petitioner at this stage does not press for relief in respect of permission to the BCA (Science) new course. He also states that the Petitioner will submit fresh application for permission to BCA (Science) new course in the next academic year. Mr. Godbole further states that the Petitioner is restricting this petition to the relief in respect of permission to the additional division of B.Sc.(Computer Science) for this academic year. Statements are accepted.

3. The Petitioner, intending to start a new division in B.Sc. (computer science), preferred an application to the Respondent No.1-University to be forwarded to the Government. The Respondent No.1-University refused to forward the said application to the Government on the ground that the post of the Principal is not filled in as mandated by Government Resolutions dated 25th September, 2009 and 30th October, 2010.

4. Mr. Godbole, the learned counsel states that the post of the Principal could not be filled because till 24th August, 2015 there was stay to the appointment of the Principal. He invited our attention to the documents at Exhs. "A" and "B", under which the Respondent No.1-University approved the Petitioner's action giving additional charge to the post of Principal Dr. Anjali Kalkar. Mr. Godbole, drew our attention to para 6 of the affidavit dated 21st June, 2016, wherein Mr. Rajesh Sathe, the authorized signatory of the Petitioner has stated that the procedure to appoint the Principal of Petitioner- Institution was already initiated and that the selection process is completed and proposal has been sent to the Registrar of Respondent No.1-University. He has further stated that the Principal would be appointed as soon as the proposal is sanctioned.

5. In the above circumstances, we are of the opinion that the Respondent No.1-University could not have refused to forward the proposal to the State Government to open additional division in BCA(Science) course. We therefore, direct the Respondent No.1-University to forward Petitioner's proposal for permission to the additional division of B.Sc.(Computer Science) for this academic year to the State Government. The proposal shall be forwarded as expeditiously as possible and preferably within a period of one week from today.

6. Needless to state that the State Government shall take necessary action/decision in accordance with law, as expeditiously as possible, and preferably within a period of two weeks from the date of receipt of the proposal from Respondent No.1-University.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)