

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

WRIT PETITION NO. 6252 OF 2015

1. Reshma K. Dalal & Ors. ... Petitioners
Vs
1. The Council of Architecture & Ors. ... Respondents

***WITH
WRIT PETITION NO. 1768 OF 2015***

Mr. Apurva Bharat Sanghvi ... Petitioner
Vs
1. The President, Council of Architecture
& Ors. ... Respondents

***WITH
WRIT PETITION NO. 5334 OF 2013***

1. Maharashtra Mitra Mandal & Anr. ... Petitioners
Vs
1. The Council of Architecture & Anr. ... Respondents

***WITH
CIVIL APPLICATION NO. 1684 OF 2015
IN
WRIT PETITION NO. 5334 OF 2013***

1. Maharashtra Mitra Mandal & Anr. ... Petitioners
Vs
1. The Council of Architecture & Anr. ... Respondents

***WITH
WRIT PETITION NO. 1406 OF 2013***

1. Maharashtra Mitra Mandal & Anr. ... Petitioners
Vs
1. The Council of Architecture & Anr. ... Respondents

WITH
WRIT PETITION NO. 11526 OF 2015

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| 1. Ambekar Minal Vitthal Mangal
Sant Narhari Nagar & Ors. | ... Petitioners |
| Vs | |
| 1. Marathwada Mitra Mandal's College
of Architecture, Pune & Ors. | ... Respondents |

Mr. Ashutosh Kumbhakoni, senior counsel with Mr. Ashutosh M. Kulkarni and Akshay P. Shinde for the Petitioner in Writ Petition No.6252/2015.

Mr. A.V. Bukhari, senior counsel with Mr. Navin Nath with Mr. Rahul Nerlekar for the Respondent No1 in WP No. 6252/2015, & WP No. 1768/2015, for the Respondent Nos.1 & 2 in WP No. 5334/2013 & WP No.1406/2015 and for the Respondent No.3 in WP No.11526 of 2015.

Mr. Amit Borkar for the Respondent Nos.2 & 3 in WP No.6252/2015.

Mr. C.P. Yadav for the Respondent No.4 in WP Nos.6252/2015, 1768/2015 and 5334/2013, for the Respondent No.5 in WP No.11526/2015.

Mr. B.D. Joshi with Mr.Parag Vyas for the Respondent No.5 (UOI) in WP No.6252/2015.

Mr. Sachin Chavan i/b Mr. Shriram S. Kulkarni for the Petitioner in WP No.1768 of 2015.

Mr. Rui Rodrigues i/b Mr. Vinod Joshi for the Respondent No.2 in WP No. 1768/2015.

Mr. Sugandh Deshmukh for the Respondent No.3 in WP No.1768/2-15 and for the Petitioner in WP No.1406/2015 and WP No.5334/2013.

Ms. Pooja Thorat for the Petitioner in WP No. 11526/2015.

Ms. Neeta Masurkar with Mr.Dushyant Kumar for the Respondent No.7 (UOI) in WP No. 11536/2015.

Mr. H.V. Mehta with Mr. S.S. Pakale for the Respondent No.3 (UOI) in WP No.5334/2013.

**CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**

TUESDAY, 16TH FEBRUARY, 2016

P.C. :

1. On these petitions, there were extensive arguments canvassed at the end of which Mr. Bukhari, learned senior counsel appearing for the Council, had made a statement and on the understanding that the Council of Architecture will file a detailed affidavit.

2. Accordingly, on the earlier occasion, Mr. Bukhari tendered the affidavit and which was taken on record. Copies thereof were also given to the contesting parties.

3. At the conclusion of the brief arguments, we indicated to Mr. Kumbhakoni, learned senior counsel appearing in one of the petitions, Mr. Kulkarni appearing in another petition for the students, but who claim to have undergone studies as per the

curriculum for the Degree course at different institutes and under different managements as to whether these students are agreeable to produce the relevant academic material which may be outlined by us and briefly indicated at today's hearing. Similarly, we had enquired from Mr. Anturkar, learned senior advocate whether the management of Marathwada Mitra Mandal College of Architecture would be ready and agreeable to a verification and inspection of the records of the students who are claiming registration and after allegedly successfully completing the degree course at the said college.

4. Today, when this matter was called out, Mr. Kumbhakoni and Mr. Deshmukh for the students and the management and equally Ms. Thorat all indicated that the students would submit themselves to the authority and power of the Council for the above scrutiny and verification of their academic records, but limited to the portfolios, working drawings and thesis / dissertation. Mr. Deshmukh appearing for the management indicated that the record of this nature pertaining to 118 students is even now available with the management. It is compiled and ready and all assistance would be rendered to the

Council for inspection and verification of the same.

5. We enquired from Mr. Deshmukh as to whether for this exercise the management would accept the power of the Council to appoint a team of academicians and experts and they would visit the college for verification and scrutiny of the records pertaining to these 118 students as claimed and the academic material referred above. On instructions, Mr. Deshmukh states that for this limited exercise and without prejudice to the rights and contentions with regard to the larger power claimed by the Council, the management is agreeable and the Council can, therefore, depute its team to inspect these records and a visit for that purpose can be made but with prior intimation to the college / management. All assistance would be rendered to the team of the Council and by deputing a senior academician from the college. He would also reply to queries, if any, raised and would also give suitable clarifications, if necessary, in writing. The management would produce the details of those enrolled students, their attendance at classes and the teaching and practical training undergone by them. Equally, the above academic material pertaining to these students would be

produced for perusal of the team of experts of the Council without questioning the credentials of the members of this team. We do not see any impediment of any nature for the inspection at the Nashik District Maratha Vidya Prasarak Mandal's College of Architecture, Nashik. Equally, the students represented by Mr. Kumbhakoni are ready and willing for such an inspection and scrutiny of the academic material and records by the Council.

6. It is in these circumstances that we requested Mr. Bukhari to inform the Court whether the Council can undertake this verification and scrutiny so also inspection at the earliest. Thereafter, the larger controversy can be kept open and for a decision in an appropriate case.

7. Mr. Bukhari, learned senior counsel states on instructions that the Council will complete the exercise in relation to both the colleges within four weeks from the date of receipt of a copy of this order. There would be two separate teams deputed who would undertake the above exercise and complete it within the stated time. We accept the statements made by Mr. Bukhari as undertakings given to this Court.

8. In view of the above we do not think that the Writ Petitions be kept pending. We clarify that though extensive hearings have

taken place, this Court has not expressed any opinion on the rival contentions or the merits of the controversy raised in these petitions. These contentions are kept open for being raised in an appropriate case. For the present all such cases on the statements made by the students' counsel and the acceptance thereof by the management can be disposed and without any expression of opinion on the rival contentions. Save and except Writ Petition No. 1406 of 2015 and Writ Petition No. 5334 of 2013, all the other petitions are disposed of. Needless to clarify that beyond this survey and inspection / verification, the Council would not insist on the students complying with any other condition, including of appearance in further examination or any competency test or any exercise in nature thereof. It would then process all the applications of the students for registration as Architects and would take the necessary decision thereon within a period of four weeks from the date of the completion of the above exercise and communicate the same to the students.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.