

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5989 of 2016**

Bharati Vidyapeeth Institute of TechnologyPetitioner
versus
All India Council for Technical Education and ors. ...Respondents

Mr. C. K. Thomas i/b. C. K. Thomas & Associates, advocates for the petitioner.

Ms. Meena Doshi along with Ms.Priyanka A. Sawant, advocate for respondent No.1.

Mr. V. M. Mali, AGP for the State.

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

DATE : 20th JUNE, 2016.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. By the impugned order, respondent No.1 reduced the intake capacity by 50% in respect of the following courses run by the petitioner-institution for the academic year 2016-2017:

1. Computer Technology,
2. Electronics and Telecommunication Engineering,
3. Information Technology and
4. Mechanical Engineering

3. The intake capacity was reduced on the ground that the second shift of the petitioner-institution is overlapping by 4.15 hours which is in excess of 1.15 hours.

4. Mr. P. N. Tandon-Principal on behalf of the petitioner-institution has filed an affidavit giving undertaking that the petitioner will strictly follow the timings of the first shift and second shift as per AICTE approval process handbook 2016-2017. In paragraph 3, undertaking is also given that if respondent No.1 finds any discrepancies in maintaining time for the first shift and second shift as per the approval process handbook for the academic year 2016-17, then, in that event, the order passed by this Hon'ble Court (based on this undertaking) in restoring the full intake capacity of the 2nd shift (diploma courses) shall stand vacated automatically for the academic year 2016-17 and the impugned order dated 16th June, 2016 will stand revived without any further order. The undertaking given by the principal of the petitioner-institution is accepted. The affidavit is taken on record and marked "X" for identification.

5. In the light of the above, we allow this petition in terms of prayer clause a(i) to (v). In the event, the petitioner does not abide by the undertaking given in the said affidavit, the impugned order shall stand revived and respondent No.1 would be at liberty to take appropriate action.

6. In view of the above, the writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]