

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6429 OF 2016

Parshwarnath Charitable Trust's
A. P. Shah Institute of Technology. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. C. K. Thomas i/b C. K. Thomas & Associates for the Petitioner.
Mr. P. P. Kakde, AGP for the State.
Mr. Abhishek Tripathi i/b Rui Rodrigues for Respondent No. 2.
Ms. Meena Doshi for Respondent No. 4.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 16, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this writ petition, filed under Article 226 of the Constitution of India, the Petitioner is seeking following reliefs :

“(a) this Hon'ble Court may be pleased to issue a writ of certiorari or any other appropriate writ, order or direction in the nature of certiorari thereby directing Respondent Nos.1 2 and 3 to produce the relevant records and after considering the legality and validity and propriety thereof, this Hon'ble Court be pleased to forthwith :

(I) direct Respondent Nos.1, 2 and 3 to accord / issue GR and grant permission / affiliation to the Petitioners' aforesaid additional intake in Mechanical and Civil Engineering in their existing B.E. Engineering course, as granted by Respondent No. 4;

(ii) *permit to admit / allot students, under the centralised admission programme and also from the minority quota for the additional intake in said Mechanical and Civil Engineering courses (60 each); and*

(iii) *direct Respondent No. 2 and 5 to forthwith upload the Petitioner' aforesaid additional intake (Mechanical and Civil of 60 each) in the Petitioners' existing Engineering College as approved by Respondent No. 4 in their website of the centralized admission process for Engineering courses conducted by Respondent No. 2 and 5 from academic year 2016-17."*

2. Admittedly, the Petitioner – institute is running the Engineering College since 2014 with the intake capacity of 60 each in Mechanical and Civil Engineering with other branches. Also admittedly, by the order dated 30th April 2016 the AICTE has increased the intake capacity of Civil and Mechanical Engineering of the Petitioner's institute to 120.

3. The grievance of the Petitioner is that despite approval by the Expert Body, Respondent Nos.1, 2 and 3 are not issuing the GR and granting affiliation for the additional intake of the Petitioner – Institute.

4. The very same issue involved in the present writ petition was the issue before this Court in *Writ Petition No. 5816 of 2014*. This Court relying upon the decision of the Apex Court in *Parshavanath Charitable Trust v. AICTE [(2013) 3 SCC 385]* allowed the said writ petition and directed Respondent Nos. 1

and 2 therein to issue GR and grant affiliation to the Petitioner therein. This position is not disputed by Mr. Kakde, the learned AGP appearing for the State. In that view of the matter and for the reasons stated in the decision rendered by this Court in Writ Petition No. 5816 of 2014 [dated 9th July 2014], we allow this writ petition in terms of prayer clauses (a)(i) to (iii).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]