

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

WRIT PETITION NO. 6716 OF 2016

Lions Club of Silvassa Charitable Trust ..Petitioner

v/s.

The University of Mumbai & ors. ..Respondents

Ms. Varsha Palav i/b. The Laureate for the Petitioner.
Mr.Rui Rodriques for the respondent no.1.
Mr.S.S.Deshmukh for the respondent no.3
Mr.V.M.Male, AGP for the Respondent/State.

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

P.C.

1. Learned Counsel Ms. Palav submitted that the petitioner intends to establish law college for three years and five years course on unaided basis. The petitioner submitted proposal to the respondent no.1 for affiliation to the college on unaided basis. The petitioner also deposited amount of Rs.2 lakhs as required, towards the affiliation fees. By letter dated 9th May, 2016 the respondent no.1

informed the petitioner that its proposal of conducting the courses for Bachelor of Law for three years and five years was approved by the Council of the respondent no.1 and is forwarded to the respondent no.2 for final approval under the provisions of Section 82(4) of the Maharashtra Universities Act, 1994.

2. The grievance of the petitioner that the petitioner proposed to set up college at Silvassa which is a Union Territory of Dadra and Nagar Haveli and therefore in view of the earlier judgment dated 1.10.2013 in Writ Petition (L) No.2433 of 2013 between the same parties, the respondent no.1 should not have sought final approval under Section 82(4) of the Maharashtra University Act, 1994 from the State of Maharashtra.

3. We have perused the judgment and order passed by the Division Bench of this Court in Writ Petition (L) No.2433 of 2013 which was between the same parties and involving similar issue. The Division Bench in respect of the affiliation of other courses run by the petitioner no.1 institute directed the respondent no.1 to consider the petitioner's application for affiliation without insisting for permission from the State Government.

4. Mr. Rodriques, learned Counsel for the respondent no.1 also does not dispute that the facts of the present case are covered by the decision of this court in Writ Petition (L) No.2433 of 2013.

5. Mr. Deshmukh, learned Counsel for the respondent no.3 states that NOC is already granted by respondent no.3 to the petitioner to run the law college subject to affiliation of other condition.

6. In the above circumstances, we dispose of the petition by directing the respondent no.1 to consider the petitioner's application for affiliation without insisting for permission from Maharashtra State Government. It is further clarified that the petitioner shall comply with all other requirements of the respondent no.1 including those set out in Section 83 of the Maharashtra Universities Act, 1994.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)