

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6949 OF 2016

Vishwaniketan, A Society registered
under the Societies Registration Act,
1860 Through its Secretary Shri
Sandeep S. Inamdar & Anr. ...Petitioners
Versus

The Directorate of Technical
Education Maharashtra State & Ors. ...Respondents

...

Mr. Mihir Desai, Senior Advocate i/b. Mr. Kuldeep
Nikam for the Petitioners.
Ms A.D. Vhatkar, A.G.P. for the Respondent -State.
Mr. Rui Rodrigues for Respondent No.4.

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

DATED : 29th JUNE, 2016.

P. C. :

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) By writ in the nature of mandamus or by any other writ, order or direction, this Hon'ble Court be pleased to direct Respondent No.2 to forthwith issue appropriate Government Resolution approving /adding intake of 40 seats in Architecture in Petitioner No.2 College and publish the same in Government Gazette.

(b) By writ in the nature of mandamus or by any other

writ, order or direction, this Hon'ble Court be pleased to direct Respondent No.1 to forthwith display intake of 40 seats in Architecture available with Petitioner No.2 Institution for academic year 2016-2017 on its web portal to be listed alongwith institute information course wise sanctioned intake choice codes.

(c) By writ in the nature of mandamus or by any other writ, order or direction, this Hon'ble Court be pleased to direct Respondent No.4 to forthwith grant necessary affiliation to new course in Architecture with intake of 40 students in Petitioner No.2 Institution for academic year 2016-2017.”

2. Admittedly, the Petitioner-Institute is approved by order dated 29/4/2016 for running Architecture college for B.Arch course.

3. The grievance of the Petitioner is that despite approval by the Expert Body, Respondent Nos.1, 2 and 4 are not issuing the GR and granting affiliation for the 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.2 and 3 therein to issue GR and grant affiliation to the Petitioner therein. This position is not disputed by Ms Aparna Vhatkar, 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) to (c).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)