

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7145 OF 2016**

Vidya Vikas Pratishthan & Anr.

...Petitioners

Versus

All India Council for Technical
Education a statutory body
established under the All India
Council for Technical Education Act,
1987 through its Member Secretary,
AICTE & Ors.

...Respondents

...

Mr. S.R. Waghmare for the Petitioners.
Ms A.D. Vhatkar, A.G.P for Respondent Nos.2, 3 and 4.
Ms Meena Doshi for Respondent No.1.

**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) that this Hon'ble Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the 2nd to 4th Respondent:-

(i) To forthwith issue appropriate Notification/Government Resolution to give effect to the approval granted by the 1st Respondent AICTE to the 2nd Petitioner for the course of Civil Engineering with intake of 60 seats and reduction of intake from 120 to 60 seats in Mechanical Engineering from the academic year 2016-17 and include the same in the Centralized Admission Process for the academic year 2016-17 and permit the Petitioner to grant admissions to the said course for the academic year 2016-2017.

(ii) To forthwith include the 2nd Petitioner College in the Centralized Admission Procedure (CAP) for the course of Civil Engineering with intake of 60 seats and reduction of intake from 120 to 60 seats in Mechanical Engineering from the academic year 2016-17 as approved by AICTE and to display the name of the Petitioner on its Web Portal to be listed alongwith institute information, course wise sanctioned intake and choice codes.

(iii) Be pleased to direct the 5th Respondent to forthwith grant Affiliation to the 2nd Petitioner for the course of Civil Engineering with intake of 60 seats and reduction of

intake from 120 to 60 seats in Mechanical Engineering from the academic year 2016-17.”

2. Admittedly, the Petitioner-Institute is running the Engineering College since 2009 with the intake capacity of 60 each in Mechanical and Civil Engineering with other branches. Also admittedly, by the order dated 26th April, 2016 the AICTE has granted new course with the intake capacity 60 of Civil and Mechanical Engineering of the Petitioner's institute from 120 to 60.

3. The grievance of the Petitioner is that despite approval by the Expert Body, Respondent Nos.2, 3 and 4 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.2 and 3 therein to issue GR and grant affiliation to the Petitioner therein. This position is not disputed by Mrs. 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)(i) to (iii).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)