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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION ST. NO.17249 OF 2015
IN
WRIT PETITION NO.8856 OF 2014

The State of Maharashtra & Anr.

..Appellants.

Vs.

Habib Educational & Welfare Society's M.S.
College of Law & Anr.

..Respondents.

Mr. A.B. Vaganyi, G.P. a/w Mr. A.I. Patel, AGP with Ms. T. Hazarika, AGP
for Petitioner/State.

Mr. S.R. Waghmare i/b C.K. Thomas & Associates for respondent No.1.

Mr. R.A. Radrigues a/w Md. Asadwalah Shaikh for respondent No.2.

CORAM: ANOOP V. MOHTA AND
A.S. GADKARI, JJ.

DATE: 1 JULY 2016

ORDER:

The Appellant-State has preferred this Review Petition against
Order dated 8 September 2014 for recalling the same.

2 The learned Counsel appearing for the Appellant has pointed
out various grounds raised in the written statement and has made
submissions orally in Court.

3 After hearing the learned Counsel appearing for the parties, we are convinced at this stage specifically in view of the amended Section 82 5(B) of the Maharashtra Universities Act, 1994 which is in force since 21 June 2013. The said Section 82 5(B) is reproduced hereunder:

“Notwithstanding any thing contained in this Act or any other law for the time being in force, on and from the date of commencement of the Maharashtra Universities (Second Amendment) Act, 2013,-

(a) no management shall establish or open a new college or any institution of higher learning in the State, except with the prior permission of the State Government;

(b) no management shall start a new course of study, subject faculty or additional division, except with the prior permission of the State Government.”

4 However, the said amended Section was not pointed out to us or referred while passing the Order. In our view this itself is sufficient ground to recall Order dated 8 September 2014 as there was error apparent on the face of record. By keeping all points open, we are inclined to recall the Order dated 8 September 2014 .

5 Accordingly Order dated 8 September 2014 is recalled. The Registry to place the matter for hearing before regular Bench. Writ Petition be listed for final hearing board before appropriate Bench as early as possible. The Review Petition is allowed accordingly.

6 Parties are at liberty to move those applications for early hearing. No cost.

(A.S. GADKARI,J.)

(ANOOP V. MOHTA, J.)