

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7640 OF 2016

Smt. Kanti L. Tiwari Education Societies,
Smt. K. L. Tiwari College of Architecture. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. C. K. Thomas i/b C. K. Thomas & Associates for the Petitioner.
Mr. V. M. Mali, AGP for the State.
Mr. Rui Rodrigues for Respondent No. 3.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **July 5, 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 new Five Year Fulltime Bachelor of Architecture College of Nallasopara, District Palghar, as approval granted by Respondent No. 4;

(ii) permit to admit/allot students, under the centralised admission programm and also from the minority quota for the additional intake in said B.Arch course; and

(iii) direct Respondent No. 2 and 5 to forthwith upload the Petitioners' aforesaid new Five Year Fulltime Bachelor of Architecture College at Nallasopara, District Palghar as approved by Respondent No. 4 in their website of the Centralised Admission Process for B.Arch. Courses conducted by Respondent No. 2 and 5 from the academic year 2016-17.

2. Admittedly, the Petitioner – Institute is approved by the order dated 20th June 2016 for running an 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 3 are not issuing the GR and granting the 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 Jay Gokul Trust vs. Commissioner & Secretary to Government, Higher Education Department [(2000) 5 SCC 231] allowed the said writ petition and directed Respondent Nos.1, 2 and 3 therein to

issue GR and grant affiliation to the Petitioner therein. This position is not disputed by Mr. Mali, learned AGP. 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.]