

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

WRIT PETITION NO. 7865 OF 2016

Principal,
L.N.Welingkar Institute of Management
Development & Research ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Shardul Singh i/b. S.S.Diwan for the Petitioner.
Msa. A.D.Vhatkar, AGP for the State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 11, 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 seeks the following relief:

“(a) issue a writ of mandamus or a writ in the nature of mandamus directing the Respondent Authorities to forthwith issue an appropriate Government Resolution in favour of the Petitioner granting approval for the (i) Post Graduate Diploma in Management Research and Business Analytics and (ii) Post Graduate Diploma in Media and Entertainment courses for the academic year 2016-2017 with intake capacity of 60 students for

each of the courses and to publish the same in the Government Gazette.”

2. At the outset the Counsel for the Petitioner requests that the Respondent No. 3 - All India Council of Technical Education be allowed to be deleted as a party Respondent since no relief is claimed against it. Accordingly we allow deletion of the Respondent No. 3 at the risk of the Petitioner.

3. The grievance of the Petitioner is that despite approval dated 25.04.2016 (at Exhibit C to the Petition) by the All India Council of Technical Education which is the Expert Body and despite a request made to the Respondent State on 30.04.2016 (at Exhibit D of the Petition) for issuing a Government Resolution (“**GR**”) in that regard, the Respondent State has not yet issued the said Government Resolution. As a result thereof the Petitioner is unable to begin the admission process in respect of the new courses viz; the (i) Post Graduate Diploma in Management Research and Business Analytics and (ii) Post Graduate Diploma in Media and Entertainment, which have now been approved by the All India Council of Technical Education for the academic year 2016-2017 vide the approval letter dated 25.04.2016 at Exhibit C to the Petition.

4. The issue involved in the present Writ Petition is covered by the Order and Judgement dated 09.07.2014 passed by this Court in Writ Petition No. 5816 of 2014. In that Writ Petition, this Court has, relying upon the judgements of the Apex Court in *(i) Jaya Gokul Education Trust*

vs. Commissioner & Secretary to Government Higher Education Deptt., Thiruvananthapuram and Another reported in AIR 2000 SC 231 and (ii) *Parshavanath Charitable Trust v. AICTE [(2013) 3 SCC 385]* allowed the said writ petition and directed the Respondent State to issue a GR and grant affiliation to the Petitioner therein. The present case stands on a similar footing. Ms Vhatkar, the learned AGP appearing for the State, does not dispute this position. In that view of the matter and for the reasons stated in the Order and Judgement dated 09.07.2014 rendered by this Court in Writ Petition No.5816 of 2014 we allow this writ petition. Rule is therefore made absolute in terms of prayer clause (a) produced accordingly above. The State Government shall issue appropriate G.R. in accordance with approval granted by AICTE dated 25th April, 2016 at Exhibit C to the petition.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)