

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7955 OF 2016

Marathwada Mitra Mandal & Another ..Petitioners.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. S. B. Deshmukh i/b Ms. Kalyani Tulankar for the Petitioner.
Mr. P. P. Kakde, learned AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 12 , 2016.**

P. C. :

1. Heard Mr. Deshmukh, learned counsel for the petitioner and Mr. Kakde, learned AGP for the State.

2. 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 be pleased to issue a writ of mandamus or writ in the nature of mandamus, or any other appropriate writ, direction or order, directing Respondent No.3 – Directorate to immediately include the additional 50 seats in the updated profile of Petitioner No.2-College and reflect a total of 80 seats in the institute profile in the CAP round 1 for the academic year 2016-2017 on the website of Respondent No. 3 Directorate.

[B] That this Hon'ble Court be pleased to issue a writ of mandamus or writ in the nature of mandamus, or any other appropriate writ, direction or order, directing Respondent No.2 – Department of

Higher and Technical Education to immediately issue a Government Resolution in accordance with the provisions of section 82 of the Maharashtra Universities Act, 1994 with effect to the additional 50 seats of Petitioner No. 2 Institution thereby sanctioning the admission of 80 students in addition to the existing 30 students.”

3. Admittedly, By the order dated 29th April 2016 the approval is granted to the Petitioner – institute for running Architecture college for B. Arch course.

4. The grievance of the petitioners is that despite approval by the expert body, Respondent No. 1, 2 and 4 are not issuing the GR and granting affiliation for the intake of the Petitioner – institute.

5. 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 judgment of the Apex Court in *Jaya Gokul Educational Trust vs. Commissioner & Secretary to Government Higher Education Department, Thiruvananthapuram & Anr.* [AIR 2000 SC 1614] 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 Mr. Kakde, 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 [Order dated 9th July 2014] we allow this writ petition in terms of prayer clauses (a) and (b).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]