

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8128 OF 2016**

Sou. Devibai Narayandas Chhabada Rural Education
Society and anr.Petitioners

versus

Shivaji University through its
Vice-Chancellor and ors. ...Respondents

Mr. V. P. Sawant along with Mr. P. M. Jadhav i/b. Mr. N. S. Dhumal,
advocate for the petitioners.

Mr. Amit B. Borkar, advocate for respondent No.1.

Ms. Meena Doshi, advocate for respondent No.2.

Mr. P. G. Sawant, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 20th JULY, 2016.

P. C. :

Heard learned counsel and learned AGP appearing for the
respective parties.

2. By this petition, the petitioners are challenging the order dated 16th March, 2016, passed by the Director, Board of College and University Development, whereunder the affiliation to petitioner No.2-College for the Academic Year 2016-2017 was refused. The affiliation was refused on the ground that petitioner No.2-College is not included in the perspective plan. Admittedly, petitioner No.2-College is approved by the AICTE -Expert Body and, therefore, the Director, Board of College and University Development, could not have rejected the affiliation to petitioner No.2-College on the said ground. This fact is even fairly considered by learned counsel for respondent No.1.

3. Mr. Sawant, learned counsel submitted that the petitioner No.2's application for affiliation for the academic year 2016-17 was filed on 8th December, 2015 and since the impugned order could not stand scrutiny of law, he insisted that respondent Nos.4 and 5 be directed forthwith to display petitioner No.2-institution with Under Graduate Degree Courses in the Centralized Admission Process for the Academic Year 2016-2014 on its web portal. Mr. Borkar, learned counsel for the petitioners, however, opposed the relief.

4. Admittedly, in the year 2008, 2009 and 2010, the petitioner No.2-College was granted conditional affiliation, subject to removal of the deficiencies noted by the University. The petitioners never removed these deficiencies. On the contrary, the petitioners indulged in several illegalities and, therefore, in the year 2011, after giving notice under Section 91 of the Maharashtra Universities Act, 1994, the order of de-affiliation in respect of petitioner No.2 -College was passed. This order attained finality. The affiliation to petitioner No.2-College was requested in the year 2012, 2013 and 2014. However, the same was refused. In the year 2015, the petitioners did not ask for affiliation.

5. In the above facts and circumstances, we are not inclined to grant the relief as insisted by Mr. Sawant though respondent No.1 could not justify the impugned order. Mr. Borkar also fairly stated that the petitioner No.2's application for affiliation for the Academic Year 2016-2017 will be considered afresh on its own merits and in accordance with law. We, accordingly, dispose of this petition by passing the following order :

(i) The impugned order is quashed and set-aside.

(ii) Respondent No.1 – University is directed to consider the petitioner No.2's proposal for affiliation for the Academic Year 2016-2017 on its own merits and in accordance with law as expeditiously as possible and preferably within a period of two months from the date of receipt of this order.

(iii) Needless to mention that respondent No.1 shall pass a speaking order.

The writ petition stands disposed of.

6. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]