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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7764 OF 2015

All India Shri Shivaji Memorial Society's
College of Hotel Management and
Catering Technology & ors

.... Petitioners.

V/s.

The University Grants Commission
& others

.... Respondents

Mr. G. S. Godbole, Advocate a/w Tejesh Dande and Bharat Gadhavi i/by
Tejesh Dande & Associates, for the petitioners.

Mr. Rajendra Anubule, for respondent Nos 2 to 4.

Mr. Mali, A.G.P., for the Respondent-State.

Ms. Rui Rodrigues, for Respondent Nos. 1 & 7.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 17th MARCH, 2016.

P.C. :

1. Heard learned counsel for the respective parties.
2. Petitioners are Managements of Colleges affiliated to
Respondent No.2-University for B.Sc (Hospitality Studies) Course which is
a 3 years' Course. The Petitioners have challenged the Notification
No.F.5-1/2013 (CPP-II) dated 5/7/2014 issued by Respondent No.1-UGC

and Circular No.104 of 2015 dated 22.6.2015 issued by Respondent No.2-Pune University.

3. While issuing Rule on the petition on 19.10.2015, this Court has passed a speaking interim order thereby directing the Respondent No.2-University to provisionally treat the students already admitted to the 1st year of B.Sc (H.S.) Course by the Petitioners' colleges as eligible to appear for 1st Semester Examinations and declare results. The Petitioners and Respondent No.2-University were also directed to make representations to UGC for clarification with a direction to the UGC to consider the same. Accordingly the Petitioners and Respondent No.2-University have made representations to UGC and the students were allowed to appear for 1st Semester Examination and the results are being declared.

4. After considering the representations, the UGC has, by its letter dated 2.12.2015, informed the University and the Petitioners that since B.Sc. is a specified Degree u/s 22 of UGC Act, 1956; as indicated in the Gazette Notification dated 5.7.2014, the University shall have the freedom to indicate the specialization in parenthesis against the specific generic degrees and the University may consider restructuring only those degrees, which are unspecified by UGC. A copy of the said letter is placed on record.

5) In view of aforesaid clarification given by the UGC, the subject of treating the “B.Sc. (H.S.) Course” as a faculty of Science Course instead of Faculty of Management Course was under consideration of Respondent No.2-University. A Sub-Committee of the Faculty of Science was constituted which has recommended that the B.Sc.(H.S.) 3 years Course be transferred to the Faculty of Science. Accordingly, the Academic Council of Respondent No.2-University has passed a Resolution, being Resolution No.1 of 2016 dated 21.1.2016 thereby resolving that in view of the letter dated 2/12/2015 issued by the UGC and the recommendations of the Science Faculty Sub-Committee, “B.Sc. (H.S.) course” should be treated as a Science Faculty course from the academic year 2016-17. We therefore, direct Respondent No.2-University to issue a Revised Circular accordingly.

6) In view of the aforesaid Resolution dated 21/1/2016, the grievance raised in the petition is substantially redressed. The students who have already been admitted by the Petitioners for the academic year 2015-16 and who were allowed to appear for the 1st Semester Examination shall be deemed to have been validly admitted for the 3 years; B.Sc. (H.S.) Course as a Science Faculty Course and shall be permitted to appear for the remaining Semester Examinations to be conducted by the University and shall be issued degrees after they have

passed all the Examinations as per the relevant rules.

- 7) Rule is made partly absolute in the aforesaid terms and Petition is disposed of with no order as to costs.
- 8) Parties to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]