

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11171 OF 2015

Chima Patil Shikshan Sanstha's
Smt. Indiraji College of Commerce,
Nalasopara, Tal. Vasai, Dist. Palghar.

.... Petitioner

V/s.

The State of Maharashtra,
Through the Secretary, Higher Education,
Mantralaya, Mumbai & Anr.

.... Respondents

Mr. C.K. Thomas, i/by M/s. C.K. Thomas & Associates,
for the Petitioner.

Mr. A.B. Vagyani, G.P., a/w. Mr. V.M. Mali, A.G.P., for
the Respondent-State.

Mr. P.M. Palshikar for Respondent No.2.

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

DATE : 18TH MARCH 2016.

P.C. :

1. Heard learned counsel for the Petitioner, learned G.P. and learned counsel for Respondent No.2.

2. Admittedly, the issue involved in this Petition and Writ Petition No.6002 of 2015, along with connected Petitions, is one and the same. Writ Petition No.6002 of 2015, along with connected Petitions, came to be disposed of by the Division Bench of this Court by order dated 8th September 2015 and the Respondent-State was directed to consider the

application of the Petitioners therein for starting new Law College (3 and 5 Years Course) at Khanivali, Wada, District Palghar, as provided under Section 82(5) of the Maharashtra Universities Act, 1994, without taking into consideration Government Resolutions dated 29th April 2015 and 20th July 2015 issued by Respondent No.1 and the Respondent-University was further directed to take appropriate action under Section 83 of the Maharashtra Universities Act, 1994, and consider granting necessary affiliation to the said new Law College.

3. Learned G.P. submits that the order of the Division Bench dated 8th September 2015 passed in Writ Petition No.6002 of 2015, along with connected Petitions, is challenged by the Respondent-State by filing Special Leave Petition in the Apex Court. Learned G.P., however, does not dispute that, as on today, the High Court order is not stayed by the Apex Court.

4. In the above circumstances, for the reasons in support of the order dated 8th September 2015 passed in Writ Petition No.6002 of 2015 along with connected Petitions, we dispose of this Petition by passing following order :-

“ORDER”

- (i) Respondent No.1 is directed to forthwith consider the Petitioner's application for starting new Degree College / Courses of B.Com. and B.A.M.S. at Dhaniv, Nalasopara (East), District Palghar, as provided under Section 82(5) of the Maharashtra Universities Act, 1994, in accordance with law,

without taking into consideration Government Resolutions dated 29th April 2015 and 20th July 2015, which are annexed to this Petition at Exhibits “E” and “F”, respectively.

- (ii) In the event, the Petitioner is granted permission to start new Degree College / Courses of B.Com. and B.A.M.S. at Dhaniv, Nalasopara (East), District Palghar, as provided under Section 82(5) of the Maharashtra Universities Act, 1994, by Respondent No.1, Respondent No.2 shall take appropriate action/steps under Section 83 of the Maharashtra Universities Act, 1994, and consider granting necessary affiliation to the Petitioner's new Degree College / Courses of B.Com. and B.A.M.S. at Dhaniv, Nalasopara (East), District Palghar.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]