

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAW] No. 908 of 2016
With
Civil Application [CAW] No. 929 of 2016
IN
Writ Petition No. 2074 of 2015 [decided]
[Priyadarshani Para-Medical College, Patur Vs. Director (Vocational Education), Vocational Education & Training & two others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M. M. Agnihotri, Adv., for the petitioner.
Mr. N.R. Rode, AGP for respondents.

- - - -

**CORAM : B. P. DHARMADHIKARI
AND
A.S. CHANDURKAR, JJ.**

DATE : 21st October, 2016

Heard. Perused the order dated 5th April, 2016
disposing of the Writ Petition No. 2074 of 2015.

In the said order, this Court, observing that the students admitted had appeared for examination and their results were also declared, has disposed of the petition. We have taken note of contention that permanent affiliation was not granted. Thus, impliedly, we found that institutes had provisional/year to year affiliation.

Here, our attention has been invited to the fact that petitioner/applicant has started Yoga/Naturopathy course in 2007-08 and in the year 2013-14, it has sought permanent affiliation. On 2nd September, 2014, hearing was extended to it and on 11th September, 2014, petitioner has sought necessary software so as to enable it to enroll the students admitted by it after that hearing. It is relying upon the minutes of meeting held on 2nd September, 2014 to urge that therein, a decision to extend one opportunity to the petitioner was already taken and, therefore, Lol was issued to proceed further in the matter of grant of permanent affiliation. It appears that request for releasing the software was repeated on 7th October, 2014.

Thus, after issuance of these two communications, the petitioner/applicant is before this Court.

It has been brought on record that though students of other institutes were allowed to undertake examination and their results were declared, students of applicant-Institute have not been so permitted.

Learned AGP has invited our attention to the fact that other institutes had provisional/temporary affiliation granted to them on year to year basis and hence they were justified in admitting the students. Our attention is invited to the Reply-Affidavit to urge that on 9th

October, 2014, the applicant-petitioner was specifically restrained from making any admissions. Learned AGP submits that a copy of that letter dated 9th October, 2014 could not be inadvertently annexed with the reply. He has tendered it today in the Court. We have taken it on record as Exh.A for ready reference. It is not in dispute that a copy of this communication was served upon the learned counsel for the applicant-petitioner on previous date of hearing.

Perusal of Exh.A dated 9th October, 2014 reveals that the respondent no.3 had informed the petitioner that it has not received any communication in furtherance of hearing conducted on 2nd September, 2014 from Examination Board. It is further pointed out that admissions made without previous approval of Board are illegal. Petitioner was also warned that if such students are unable to appear for examination in future, its risk would be entire upon the petitioner-applicant.

The facts, therefore, show that on the basis of Lol a case was attempted to be made showing that petitioner had provisional approval earlier. Facts now show that petitioner never had any such approval or authorization for year 2014-15.

In any case, after hearing and decision dated 2nd September, 2014, it is apparent that there existed some lacunae and, therefore, petitioner was to be given

opportunity. Communication dated 9th October, 2014 is very clear.

In this situation, without necessary authorization, the petitioner-applicant has proceeded to effect admissions.

Earlier in connected matters, after noticing the fact that the students were permitted to appear for examination and their results were declared, we had disposed of petitions. Here, our attention is invited to the fact that petitioner did not have any approval for Academic Year 2014-15. In this situation, in law, we find that no parity can be worked out between the petitioner on one hand and other colleges on the other hand.

No case is, therefore, made. Applications are rejected.

Judge

Judge