

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6281/2017

Shri Vile Parle Kelvani Mandal,
a Society registered under the
Societies Registration Act, 1860 and
also a Public Charitable Trust
registered under the Bombay Public
Trust Act, 1950 having its office
at Shri Bhaidas Maganlal Sabhagriha
Building, North South Road No.1,
Juhu Scheme, Vile Parle (West),
Mumbai – 400056, through its
Constituted Attorney
Mr.Rajgopal Bhandari.

...Petitioner..

Versus

- 1] The State of Maharashtra,
through Principal Secretary,
Higher & Technical Education
Department, 4th Floor, Mantralaya Annex,
Madam Cama Road, Nariman Point,
Mumbai-400032.
- 2] Directorate of Technical Education,
Maharashtra State, having its office at
Samangaon Road, Nashik.
- 3] All India Council for Technical
Education, through its Western
Regional Office at 2nd Floor,
Industrial Assurance Building,
Veer Nariman Road, Opp.Churchgate
Railway Station, Mumbai – 400020.

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- 4] North Maharashtra University
incorporated under the Maharashtra
University Act, 1994 having its
office at Umavi Nagar,
Jalgaon – 425001.
Through its Registrar.
- 5] Dr.Babasaheb Ambedkar Technological
University, incorporated under the
Maharashtra Vidyavihar, Loner,
Dist.Raigad – 401403.
Through its Registrar.

...Respondents...

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Shri P.M. Shah, Senior Advocate i/b Shri S.R. Vakil and
Smt.Manoramam Mohanty, Advocates for petitioner.
Shri A.V. Deshmukh, AGP for respondent nos.1 & 2.
Shri S.V. Advant, Advocate for respondent no.3.
Shri Y.B. Bolkar, Advocate for respondent no.4.
Shri A.R. Borulkar, Advocate for respondent no.5.

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**CORAM: ANOOP V. MOHTA &
SUNIL K. KOTWAL, JJ.**

DATE: 21.06.2017

ORAL JUDGMENT (Per Anoop V. Mohta, J.) :

1] Heard learned counsel appearing for parties.
Rule made returnable forthwith. With the consent,
petition is taken for final hearing and disposal.

2] Petitioner, a minority institution, has applied
for degree course in engineering at Dhule for academic
year 2017-18 on 31.10.2016. Petitioner made an
application for affiliation initially to respondent no.4

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– University, but subsequently to concerned respondent no.5 on 25.1.2017, but there was no communication / reply. Petitioner on 4.2.2017 applied to AICTE for starting new college, as referred above, so also to respondent no.2. There was no communication from the University. AICTE, however, by order dated 30.4.2017 granted the approval to start new college, so prayed. Therefore, this petition on 30.4.2017.

3] In Writ Petition No.6259/2017, after hearing the parties, considering similar facts and the questions / objections raised by respondent – State and respondent no.5, and referring to the judgments passed by the Supreme Court as well as this Court, we have allowed said petition today based upon the permission / approval so granted by AICTE and thereby permitting the petitioner – institution / society to start course for the academic year 2017-18 at Dhule.

4] After considering the submissions so made in the present petition by the parties appearing, for the same reasons so recorded in Writ Petition No.6259/2017 and as the present case is similarly placed, we are inclined to allow this petition on similar lines. The reasons so

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recorded in Writ Petition No.6259/2017 be treated as part and parcel of the reasons for this petition also. Therefore, following order.

O R D E R

a] Respondent nos.2 and 5 are directed to grant affiliation / permission to petitioner to start college for the academic year 2017-18, as approved / sanctioned by the AICTE by order dated 30.4.2017, forthwith.

b] Interim order passed by this Court dated 6.6.2017 is confirmed.

c] It is made clear that petitioner needs to comply with all the formalities, including payment of fees as early as possible.

d] Respondent no.5 University to have complete inspection within 10 days. Deficiencies, if any, need to be removed at the earliest before commencement of session of this year by the petitioner institution.

e] Above order is made subject to final order of the Supreme Court as it is stated that the issue of supremacy of AICTE over Pharmacy Council and/or Council of Architecture, is pending.

f] As the judgment / order is dictated in open

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Court in presence of all parties / learned counsel, the concerned respondents need not wait for the certified copy of judgment / order. They should act forthwith, as ordered.

g] Rule is made absolute accordingly. No costs.

(SUNIL K. KOTWAL, J.)

(ANOOP V. MOHTA, J.)