

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10546 OF 2017

Sayali Subhash Gutte,
Age 20 years, Occupation student,
R/o. Plot No.13, Flat No.13,
Arogya Co-Op.Housing Society,
CIDCO N-7, Aurangabad
431003.

.. Petitioner

VS.

1. The State of Maharashtra,
Through it's Principal Secretary,
Higher and Technical Department,
Mantralaya -32.
2. The Director of Higher Education,
Pune.
3. The Registrar,
Babasaheb Ambedkar Marathwada
University, Aurangabad.
4. The Principal, M.P Law College,
Aurangabad.
5. The Principal V. N. Patil Law
College, CIDCO, N-3, Aurangabad. .. Respondents

Mr. P. R. Patil, Advocate for the petitioner
Mr. S. B. Yawalkar, A.G.P. for the respondents No.1 and
2 /State
Mr. S. S. Tope, Advocate for respondent No.3.
Mr. V. D. Sapkal, Advocate for respondent No.4.
Mr. P. R. Nangare, Advocate for respondent No.5.

**CORAM : R. M. BORDE &
SMT. VIBHA KANKANWADI. JJ.
DATE : 19-09-2017**

ORAL JUDGMENT (Per R. M. Borde, J.)

1. Rule. Rule made returnable forthwith and heard learned advocates for the parties appearing finally, by consent.

2. It is not the matter of dispute that, the respondent No.5/ college where the petitioner was admitted for first year, five years law degree course, is a college eligible to receive grant-in-aid. It has been pointed out that, the writ petition presented by the respondent No.5/ college for releasing grant-in-aid has been allowed by this court and orders have been issued directing the State to release grant-in-aid in favour of respondent No.5/ college. In view of the orders passed by this court in Writ Petition No. 969 of 2004, the respondent No.5/ college although has not yet actually received the amount of grant, shall have to be considered as a college eligible to receive grant-in-aid from the State Government. The petitioner has tendered an application for transfer as she is desirous to secure admission in M. P. Law College/ respondent No.4, in the second year of five years LL.B. degree course during the academic year 2017-2018.

3. In view of the regulations relating to transfer of the student from one college to another, no transfer of a student at any stage, in any case, from unaided institutions to the Government or Government aided university managed institution, is permissible.

4. The respondent No.5/ college has not issued no-objection in favour of the petitioner on the ground that, the said college has not yet actually received grant-in-aid. The respondent No.5 cannot withhold no-objection under the aforesaid pretext for the reason that, the college has already been held eligible to receive grant-in-aid, in view of the order passed by this Court in Writ Petition No. 969 of 2004. The counsel appearing for respondent No.5 states on instruction that necessary no objection shall be issued to facilitate petitioner to secure admission to respondent No.4/ college forthwith.

5. The respondent No.5 shall issue no-objection in favour of the petitioner within three days from today. The petitioner shall forward the application together with no-objection of the respondent No.2 for consideration within period of one week from the date of receipt of the no-objection from respondent No.5. The Director of Higher Education, Pune, shall consider the application and forward the

same to admission regulatory authority, within period of one week from the date of receipt of the application. The Director shall grant approval immediately after receipt of the application. Petitioner shall be admitted to respondent No.4/ college and necessary formality shall be completed within period of four weeks from today. The Director of Higher Education and admission regulatory authority shall not reject the application on any technical ground, including the ground relating to lapse of the prescribed date, for consideration of the application. This order is being issued considering the peculiar facts and circumstances of the case and shall not be construed as a precedent.

6. Rule made absolute in the above terms. There shall be no order as to costs.

[SMT. VIBHA KANKANWADI]
JUDGE

[R. M. BORDE]
JUDGE

vjg/-.