

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8191 OF 2017

Ideal Foundation's Ideal Institute of Architecture,
through its Principal, Registrar Somendra Sharma ..Petitioner
Vs.

The Secretary, Technical & Higher Education,
State of Maharashtra & Ors. ..Respondents

Mr. Mihir Desai, Senior Advocate a/w. Saliyar Kalaimagal Mogili for the
Petitioner.

Ms. Kavita N. Solunke, AGP for the Respondent Nos.1 and 2.

Mr. R.A. Rodrigues for the Respondent No.3.

**CORAM: B. R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATE: 28th JULY 2017

P.C.:

. Rule. Rule made returnable forthwith. Heard by consent.

2. The Petitioner has approached this Court for a direction to the Respondent Nos.1 and 2 to grant approval to the Petitioner's college for additional intake capacity of 40 students. The Petitioners are running a College of Architecture. The Council of Architecture was initially granted approval for intake capacity of 40 students till the academic year 2016-2017. Insofar as academic year 2017-2018 is concerned, indisputably the Council by its communication dated 16/5/2014 has granted approval for increasing the intake capacity from 40 to 80 students. The Respondent NO.3/University vide letter dated 1/4/2017 has recommended the case of the Petitioner for grant of approval to increase the intake capacity from 40 to 80.

3. Since inspite of grant of approval by the Council and the recommendation by the University, the State Government had not granted its approval, the Petitioner was required to approach this Court. However, during pendency of the petition vide Government Resolution dated 21/7/2017, the State Government has also granted approval for increasing the capacity intake from 40 to 80 students. Now the only question that remain is display of intake capacity of 80 students on the website of the Respondent No.2 for further rounds of admission.

4. Ms. Kavita N. Solunke, learned AGP vehemently opposes the petition. She submits the Government Resolution dated 21/7/2017 is conditional to the approval/affiliation by the Respondent No.3/University. She submits that unless the University grants affiliation, increase intake capacity cannot be displayed on the website. We find the objection to be hyper technical.

5. When the University has itself recommended to the State Government for grant of approval to increase the intake capacity from 40 to 80 students, grant of affiliation by it is an empty formality.

6. Mr. R. A. Rodrigues appearing on behalf of the Respondent No.3 clearly states that once the letter is received by the University from the Director of Technical Education/Respondent No.2, the University would take necessary steps for grant of affiliation.

7. In that view of the matter, we find that when increase in intake capacity by the Petitioner is approved by the Council of Architecture, recommended by university and again approved by the State Government, the Petition deserves to be allowed.

8. The Respondent No.2 is directed to display on the website the increased capacity of 80 students for admission to Institute of Architecture run by the Petitioner.

9. Rule made absolute with no order as to cost.

10. Learned AGP is requested to communicate the order to the Respondent No.2 by telephone/fax/e-mail.

(RIYAZ I. CHAGLA, J.)

(B. R. GAVAI, J.)