

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

WRIT PETITION NO.8310 OF 2017

Sahara Institute of Nursing run through
its Secretary and Anr.

..Petitioners

Vs.

The State of Maharashtra through the Secretary
and Anr.

..Respondents

Mr. Uday Warunjikar I/b Mr. S. R. Waghmare for the Petitioners.

Ms. Komal Solunke, AGP for the Respondent No.1

Mr. R. R.Salvi a/w Suvarna B. Telgote for the Respondent No.2.

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

DATE: 24th JULY 2017

P.C.:

. After the learned counsel for the Petitioner had argued the matter at some length, when the order passed by this Court dated 9/6/2016 in Writ Petition No.6080/2016 was brought to the notice of the learned counsel for the Petitioner, he had graciously sought permission to withdraw the said petition. Taking into consideration the seriousness of the matter, we are of the view that a right message must go to the unscrupulous litigants. We refused permission to withdraw the Petition and proceeded to decide the matter on merits.

2. We find that the present petition is a misuse and abuse of process of law.

3. The Petitioner appears to have admitted more students than

the number for which it was granted permission in the last academic year. It appears further that the Petitioner had approached this Court seeking a direction for regularization of admission. It further appears that this Court vide order dated 9/6/2016 had taken a lenient view and allowed the Petition for academic year 2016-2017. However, it will be relevant to refer to paragraph No.5 of the said order. From the said paragraph it can clearly be seen that a specific undertaking was given by the Petitioner that from the next academic year the Petitioner will adhere to the policy of Respondent Nos.1 and 3 and would not admit students more than the intake capacity prescribed by the Respondent Nos.1 and 3.

4. Even after specific undertaking to the Court that the Petitioner will not admit in excess than what is permissible, the Petitioner has again admitted 30 more students this year. The Petitioner has now approached this Court seeking a relief of regularization of admission done in excess. We are amazed at the audacity of the Petitioner, who has again approached this Court when a specific undertaking was given to this Court on 9/6/2016.

5. It appears that the Petitioner No.1 has no sanctity for the orders passed by this Court. It appears that the Petitioner has no sanctity for the orders passed by this Court and undertaking given to this Court. It further appears that the Petitioner does not believe in the rule of law and considered itself above the law.

6. No doubt no such orders were passed in case of the Petitioner No.2. But, since the Petitioner No.2 is in the company of Petitioner No.1 he should also swim or sink with him.

7. In that view of the matter, the Petition is dismissed with cost

which are quantified at Rs.50,000/-

8. The learned counsel for the Respondent No.2 states that since the Respondent is an authority of the State, it is not interested in the costs and the same be paid to the Maharashtra Legal Aid Authority as donation on behalf of the Respondent No.2.

9. Cost be deposited by the Petitioner by crossed demand draft within a period of 8 days in favour of Maharashtra Legal Aid Authority, failing which the Registry to initiate action against the Petitioner.

(RIYAZ I. CHAGLA, J.)

(B. R. GAVAI, J.)