

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1975 OF 2017****IN****WRIT PETITION NO. 2865 OF 2017**

Dnyandeep Education SocietyApplicant

IN THE MATTERS BETWEEN

Dnyandeep Education SocietyPetitioner

Vs.

Union of India & Ors.Respondents.

WITH**CIVIL APPLICATION NO. 2075 OF 2017****IN****WRIT PETITION NO. 6441 OF 2015**

Dnyandeep Education SocietyApplicant

IN THE MATTERS BETWEEN

Dnyandeep Education SocietyPetitioner

Vs.

Union of India & Ors.Respondents.

Mr. Chetan Subhash Damre for the Applicant.

Mr. R.V. Govilkar a/w Mr. P.S. Gujar for Respondent Nos. 1 and 2.

Ms. Kavita N. Solunke, APG for Respondent Nos. 3 and 4.

CORAM : ANOOP V. MOHTA AND**SMT. BHARATI H. DANGRE, JJ.****DATE : 31 AUGUST 2017.****ORDER:-**

Heard the learned counsel appearing for the Applicant/Petitioner.

2 The Petitioner/Applicant, in view of the Civil Applications dated 8 August 2017, filed in respective Writ Petitions, prayed to direct the Respondents to list the name of the Applicant-Institution in CAP process with respect to batches of Fitter 2 (1+1) and Electrician 2 (1+1) for the academic year 2017-18.

3 By order dated 22 July 2014, passed by this Court in Writ Petition No. 2804 of 2014 filed by the same Petitioner-Institution itself, based upon the then existing provisions and considering the facts and circumstances, including the undertaking so given as the Institute was not upto-date as required and as there are various deficiencies, however, in the interest of justice after hearing the parties this Court permitted 42 students to accommodate and to appear forthcoming examination of 2014, by treating the Petitioner-Institute having been granted provisional permission. However, it is subject to the clear understanding that the Petitioner-Institute and/or the students should not claim any equity in their favour.

4 Another Writ Petition No. 6441 of 2015, filed by the same
Petitioner, where the challenge was made to the imposition of penalty
of Rs.16,00,000/- (Rupees Sixteen Lacs only), based upon the
action/inaction of the Respondents. The same was not paid inspite of
repeated notice/demand by the Respondents. This Court on 10 July
2015, after considering the situation and the circumstances so
reflected, apart from reason not listing the name, granted relief in
terms of prayer clause (j) with direction to list the name of the
Petitioner in the CAP process for the year 2015-16.

5 Admittedly, those Petitions are still pending and no steps
whatsoever taken. However, based upon the orders so passed, the
Petitioner-Institute and the students are proceeding in the Institution
in their respective courses, principally on the ground of equity.

6 In this year also, the name of the Applicant-Petitioner did
not appear. The earlier Writ Petitions are pending and so also the
issues. There is nothing on record to show that the Petitioner-Institute
has taken steps for disposal of those Writ Petitions.

7 Therefore, taking overall view of the matter and as today is the last day for VIth round of CAP upto 9 O'Clock, in the facts and circumstances, we are not inclined to grant any protective relief solely on the ground of delay and the background so referred above. The interim relief, so prayed restricted to Fitter and Electrician, is hereby rejected.

8 Both the Civil Applications are accordingly disposed of. There shall be no order as to cost.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)