

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10109 OF 2016

Mr.Sagar Ravindranath Nayak
Through His Father
Mr.Ravindranath G. Nayak ... **Petitioner**
V/s.
The State of Maharashtra & Ors. ... **Respondents**

.....

Mr.Anukul Seth i/b. P.V.Thorat, Advocate for the Petitioner.
Mr.Rui A. Rodrigues with Mr.A.Tripathi, Advocate for the Respondent No.5.
Mr.C.P.Yadav, AGP for the Respondent Nos.1 and 2.

....

**CORAM : SHANTANU S. KEMKAR &
 A. M. BADAR JJ.**

DATED : 2nd May 2017

P.C.

Not on board. Taken on Production Board.

2 The Petitioner had passed first year engineering (mechanical) course from Shri.Madhwa Vadiraja Institute of Technology and Management, Bantakal and was admitted to the second year in the said college. He suffered various health problem and as such, he applied for his transfer at respondent No.4 college which is under Mumbai University i.e. respondent No.5. The said permission was rejected vide order dated 25th July 2016 (Exhibit.C). Challenging the same, this petition has been filed.

3 The respondent/State has filed reply and in para 2 of the reply the State has stated as under :

“2) At the outset, I submit that the Respondent No.1 had sent the letter dated 10/10/2016 to the Respondent No.3 i.e., Admission Regulatory Authority, Bandra (East), Mumbai – 51 regarding transfer case of the petitioner. The respondent no.3 i.e. Admission Regulatory Authority, Bandra (East), Mumbai – 51 had kept the matter regarding the transfer of the petitioner at item no.7 in the meeting held on 19th October, 2016 in which the minutes are passed as follows :

“..... After deliberations, the Admissions Regulating Authority decides to approve the transfers of admissions of Ku.Nihar Shah and Ku.Sagar Nayak as per the letter of Higher and Technical Education Department, Government of Maharashtra dated 10th October, 2016, subject to fulfillment of the conditions laid down in it. Both the students need to comply with all the directions of the State Govt. Office to forward copies of letter dated 10th October, 2016 of Higher and Technical Education Department, to the concerned and inform accordingly....”

4 The learned counsel for the petitioner submits that since the decision has been taken by the Admission Regularity Board in its meeting dated 19th October 2016 i.e. at the midst of the term, allowing the transfer on the conditions mentioned in it, it was not possible for the petitioner to get himself transferred to respondent No.4 college at Navi Mumbai. Petitioner submits that the next academic session for

second year would commence from June 2017 and as such, the benefit of the decision taken by the Admission Regularity Authority subject to fulfillment of the conditions mentioned therein, as per order dated 10th October 2016, be granted.

5 The learned counsel for the petitioner submits that in this regard, the petitioner would submit a detail representation with supporting documents including fulfillment of conditions mentioned in the permission granted vide minutes of meeting dated 19th October 2016 (Exhibit.5) and the letter dated 10th October 2016 and the respondent No.2 shall be directed to consider the same and take appropriate decision in regard to petitioner's transfer to the 4th Respondent college, as expeditiously as possible.

6 Keeping in view the aforesaid submissions, we dispose of this petition by granting the liberty to the petitioner to submit a detail representation with supporting documents in regard to the petitioners transfer to 4th respondent college.

7 On receipt of the said representation, the respondent No.2 Director of Technical Education shall take appropriate decision, as expeditiously as possible, but not later than four weeks from the date of receipt of said representation.

8 The petition stands disposed of.

(A. M. BADAR J.)

(SHANTANU S. KEMKAR J.)