

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7810 OF 2018

Sai Institute of Engineering & Technology
Through its Principal
Santosh Shivajirao Deshmukh ... Petitioner

Versus

The State of Maharashtra
Through Secretary
Higher and Technical Education,
Mumbai and others ... Respondents

Mr.B.R. Kedar, Advocate for the petitioner
Mr.A.S. Shinde, Advocate for the respondent/state
Mr.S.G. Karlekar, Advocate for respondent No.3
Mr.A.R. Borulkar, Advocate for respondent No.4

**CORAM : PRASANNA B. VARALE
& S.M.GAVHANE, JJ.**

DATED : 13.07.2018

P.C. :-

Heard Mr. B.R. Kedar, learned counsel appearing for the petitioner. The petition is circulated claiming an urgency in the matter. The learned counsel for the petitioner submitted that the petitioner-institute is active in the field of education since last several years and having as many as 650 students studying in various institutes or branches.

2. Learned counsel Mr. Kedar submitted that the college of Engineering being run by the petitioner institute is approved by the AICTE and by communication dated 10.04.2018, AICTE granted further extension of approval for the academic year 2018-2019. The learned

counsel then submits that initially the petitioner institutes Engineering College was affiliated to Dr. Babasaheb Ambedkar Marathwada University in year 2014.

3. Mr. Borulkar, learned counsel, who appears for respondent No.5 submitted that in the year 2014 respondent No.5 entered in the filed of academics and is a technological University and the professional courses like Management, Pharmacy, Engineering are under the auspice of respondent No.5 University.

4. The learned counsel Mr. Kedare submitted that in view of this changed scenario the petitioner institute had submitted a proposal to respondent No.5 seeking no objection certificate. Mr. Kedar, learned counsel invited our attention to a document placed on record dated 13.06.2018 to submit that the respondent No.5 University has no objection for the affiliation with respondent No.5 University. The learned counsel for the petitioner then submitted that the petitioner institute submitted proposal to the respondent No.2 for no objection from the State Government. The proposal was forwarded to respondent No.2 through Joint Director of Technical Education, Divisional Office, Aurangabad. The learned counsel Mr. Kedar submits that the proposal is pending before the respondent No.2 since 22.06.2018. Then Mr. Kedar learned counsel invited our attention to the document placed on record i.e. communication dated 12.07.2018 and submitted that the petitioner is making repeated requests to the respondent No.2 to take decision on the proposal at the earliest.

5. Mr. Kedar the learned counsel for the petitioner submitted that as the admission process for admitting the students desirous to take admission for the Engineering course is already commenced and the first round process is already over. It is submitted by the learned counsel for the petitioner that even second round is over now and the third round would commence from 14.07.2018 till 16.07.2018. Thus, the learned counsel for the petitioners submitted that the respondent No.2 be directed to decide the proposal forthwith so that the petitioner institute can have an opportunity to enter in the list of the institute and the students desirous of getting admission for the term may give a choice of the petitioner for admission.

6. The learned AGP is appearing for the respondent No.1 and 2 and Mr. Karlekar, learned counsel is appearing for the respondent No.3 and Mr. Adwant is appearing for the respondent No.4 and Mr. Borulkar, learned counsel is appearing for the respondent No.5.

7. Mr. Karlekar, the learned counsel submitted that the admission process is already commenced, admission to 2nd CAP round is already over and 3rd CAP round would start from 14.07.2018. He submitted that in any event the petitioner institute could not be eligible for admitting the students directly in the CAP rounds. He submitted that as per the schedule of the admission which is placed on record Exh."E". The petitioner can stake its claim for the institutional admission. On perusal of the said time table of the admission process

which is placed on record at Exh. "E", it reveals that the institutional round would commence from 13.07.2018 and it would be till 14.08.2018, as the cut off date of all type of admission of academic year 2018-2019 date is 14.08.2018.

8. Mr. Borulkar, the learned counsel appearing for the University submits that the communication of the University which is placed on record by the petitioner dated 13.06.2018 cannot be treated as an affiliation granted to the petitioner institute. He submitted that it is the impression of the petitioner that respondent No.5 University has granted affiliation to the petitioner institute whereas the letter clearly shows that the University in the communication stated that it has no objection for seeking change in the name of University as proposed by the petitioner-institute and the affiliation would be certainly subject to the petitioner institute's complying with the all prerequisite compliances. Insofar as the basic grievance of the petitioner is concerned, now it is only the delay in decision of respondent No.2 and that is the grievance of the petitioner. The petitioners have also stated in the petition that certain alleged illegal activities were committed by the students outside the college premises and First Information Report No. 75 of 2017 is registered against 27 students and some staff members of the petitioner institute for the offences punishable under section 420,107,109,114,120(B) r/w 34 of Indian Penal Code with Section 3(2),4(2),5(2),6 and 8 of the Maharashtra Prevention of Malpractices at University,

Board and other Specified Examination Act 1982.

9. The learned counsel for the petitioner submits that the respondent No.2 be directed to decide the proposal which is received by him through the Joint Director on 22.06.2018 forthwith. Considering the rival submissions referred to above, we are of the opinion that the petition can be disposed of at the admission stage. Though the learned counsel for the petitioner vehemently submits that the directions be issued to respondent No.2 to decide the proposal forthwith in view of the schedule of admission and in view of the 3rd round of admissions which is commencing from tomorrow, we are unable to accept the submission of Mr. Kedar for the reason that it is pointed out by the learned counsel appearing for the respondent No.3 which is the competent body dealing with the affairs of the admission that the petitioner institute would be only entitled to claim admissions in the institutional admissions category and the round for admissions in the institutional category would start from 13.07.2018. In view of these facts, we dispose of the petition by directing respondent No.2 to decide the proposal received by him on 22.06.2018 as expeditiously as possible and not later than 25.07.2018. We make it clear that the respondent No.2 to take decision on the proposal on its own merits and may pass appropriate orders, if needed a reasons order to that effect may be passed. The petition is disposed of.

10. The learned counsel also submitted that the petitioner-institute submitted the request to respondent

No.1 also. Resultantly, we disposed of the petition with direction to respondent No.1 and 2 to decide the proposal received by them respectively as expeditiously as possible and not later than 25.07.2018, subject to the decision by the State Government.

[S.M.GAVHANE,J.]

[PRASANNA B. VARALE,J.]