

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

WRIT PETITION NO. 6391 OF 2018

Saraswati Education Society and Anr.	}	Petitioners
versus		
All India Council for Technical Education and Ors.	}	Respondents

Mr. V. P. Sawant with Mr. N. S. Dhumal for
the petitioners.

Mr. Nigal Qunaishy with Mr. Nishant Patil
i/b. Mr. Abhijit Joshi for respondent nos. 1
and 2.

Mr. Vikas Mali-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- AUGUST 10, 2018

P.C. :-

1. This writ petition was placed before us on several occasions in the past and on 2nd August, 2018, relying upon the additional affidavit tendered by Mr. V. P. Sawant appearing for the petitioners, we passed the following order:-

“1 The additional affidavit tendered by Mr. V. P. Sawant appearing on behalf of the petitioners is taken on record.

2 Today the Advocate for the “All India Council for Technical Education” is not present. He is unwell.

3 List this petition for admission on 10th August, 2018 on the supplementary board.”

2. The All India Council for Technical Education (AICTE) as also the Directorate of Technical Education, Government of Maharashtra had an opportunity to verify the correctness of the statements in the additional affidavit and find out for themselves whether the position as stated therein is true and correct. Both authorities could have made the necessary inquiries from the teachers and the staff. The claim of the petitioners in this additional affidavit is that all the arrears of the salaries and to be paid from month to month are now cleared. The salaries have been paid up to June, 2018. The request, therefore is, now at least the endorsement, appearing on the website of the Directorate of Technical Education, below the name of the petitioner institution be removed. That would cause confusion because the students and teachers as also the parents would believe that the position is tentative. There is a litigation pending, subject to which, the admissions and other decisions are made and taken.

3. When this petition was placed today, we are happy to note that both, respondent nos. 2 and 3 fairly state that the salaries have indeed been paid by the petitioner-Management. Mr. V. P. Sawant additionally states, on instructions, that the salary for the future month, namely, July, 2018 would be paid by 16th August, 2018 and the Management will make an endeavour to pay salaries

of the coming and ensuing months by 15th of that month. We accept these statements, made on instructions, as undertakings given to this court.

4. We direct that respondent nos. 2 and 3 shall, from their website and pertaining to the petitioner institution, its course and admissions for the academic year 2018-19, remove the endorsement/remark. That remark, which shall be deleted from the website, reads as under:-

“Saraswati Education Society's Saraswati College of Engineering, Kharghar, Navi Mumbai Included in CAP Pursuant to Hon. High Court of Bombay Interim Order WP 6391/2018, the admissions of the candidates will be provisional subject to further order of the Court, the petitioner shall not claim any equity on the basis of this order.”

5. The deletion be made in pursuance of this order, particularly in view of the undertaking given to this court. The writ petition is disposed of in these terms. There would be no order as to costs.

6. The AICTE and the University of Mumbai shall, acting upon this order and the directions to the Director of Technical Education, take the necessary consequential steps and correct their records accordingly. The AICTE shall remove the tag or remark “no admission category” appearing against the petitioner institution in its records. It shall sanction the intake capacity in

terms of the petitioners' application. The necessary certificate of approval may also be issued. Acting thereon, the University should grant the necessary permission/approval. All this be done by the respondents to this petition within a period of 15 days from today.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)

Jayant
Vishwanath
Salunke

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by Jayant
Vishwanath
Salunke
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2018.08.14
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