

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

1052 WRIT PETITION NO.8317 OF 2019

STUDENT ACADEMIC EDUCATION SOCIETY
AURANGABADS OYSTER INSTITUTE OF PHARMACY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. A.M.Karad & Mr. G.L. Kedar, Advocates for Petitioners.
Mr. V.M.Kagne, AGP for Respondents-State.
Mr. S.S.Thombre, Advocate for Respondent No.3.
Mr. S.B.Deshpande, ASG for Respondent No.4.

...

**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19.07.2019

PER COURT :-

1. We have heard the learned counsels for the respective parties. The Council of Architecture has already granted extension of approval for the academic year 2019-2020 for under graduate architecture course with intake capacity of 40 students.

2. According to Mr. Thombre, the learned counsel for the University, the petitioner-institution is not granted extension of affiliation, as on today there are large scale deficiencies. The inspection has been made by the Committee of the University the report is submitted and the petitioner is given 30 days time.

3. Mr. Deshpande, the learned ASG submits that Council is the final authority to grant the permission to the petitioner-institution to run the college of Architecture and Council of Architecture has already granted approval to the petitioner for the academic year 2019-2020 to run the Bachelor of Architecture course with intake capacity of 40 students.

4. The petitioner's name is not included in the Centralized Admission Process by respondent No.2 as there was no affiliation by the university. The petitioner has relied on the judgment of the Apex Court in a case of ***State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and others reported in 2006 AIR SCW 2048***. Paragraph No.78 of the said judgment reads thus :

“78. In our opinion the observations that the provisions of Sections 82 and 83 of the Maharashtra University Act are “null and void” could not be said to be correct. To us, it appears that what the High Court wanted to convey was that the provisions of Sections 82 and 83 would not apply to an institution covered by 1993 Act. As per the scheme of the Act, once recognition has been granted by NCTE under Section 14(6) of the Act, every university (‘examining body’) is obliged to grant affiliation to such institution and sections 82 and 83 of the University Act do not apply

to such cases.”

5. The provisions under Sections 82 and 83 of the University Act, 1993 are *pari materia* to Sections 110 and 114 of the Maharashtra University Act, 2016.

6. Considering that 30 days time is given to the petitioner by the University to show cause with regard to affiliation and that petitioner is granted extension of approval by the Council of Architecture for the academic year 2019-2020 to run the Bachelor of Architecture course with intake capacity of 40 students, the Respondent No.2 shall include the name of the petitioner-institute in the Centralized Admission Process as per the directions of the Council of Architecture. The petitioner shall intimate the students about the pending issue of affiliation to the petitioner-institution, *qua* the Dr. Babasaheb Ambedkar Marathwada University and that the further consequences would follow depending upon the affiliation granted by the University.

7. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

...

vmk/-