

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAO) No.740 of 2019

In

Misc. Civil Application Stamp No.29926 of 2018 (for Review)

In

Writ Petition No.6712 of 2018 (D)

Admissions Regulating Authority (Pravesh Niyantran Samit), through its
Secretary, Mumbai.

Versus

Sagar Ajay Naidu, Nagpur, and others.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri N.A. Gaikwad, Advocate for Applicant.

Smt. R.S. Sirpurkar, Advocate for Respondent Nos.1 to 9.

Shri A.A. Naik, Advocate for Respondent No.10.

Coram : R.K. Deshpande & M.G. Giratkar, JJ.

Date : 21st June, 2019

Civil Application (CAO) No.740 of 2019 :

This is an application for condonation of 39 days' delay caused in filing review application.

Notice to the respondents, made returnable forthwith.

The learned counsels appearing for the respondents waive service of notice.

After going through the averments made in the application, I am satisfied that a sufficient cause is made out for condonation of

delay. Hence, the delay caused is condoned.

The civil application is disposed of.

Misc. Civil Application Stamp No.29926 of 2018 :

This is an application for recalling of the order dated 10-10-2018 passed in Writ Petition No.6712 of 2018 to the extent it directs that the penalty for regularization of admissions, imposed by the Admissions Regulating Authority be made payable to the Juvenile Justice Fund under the Child and Welfare, maintained by the State Government under Section 105 of the Juvenile Justice (Care and Protection of Children) Act, 2015. According to the applicant, it is the penalty which is imposed while passing the order of regularization of admissions under Item No.12 of the Minutes of Meeting dated 24-7-2018. The penalty was imposable under Sections 16 and 20 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions & Fees) Act, 1015, and, therefore, the order to that effect be modified.

In another Writ Petition No.7207 of 2017 decided by this Court on 12-9-2018, the same Item No.12 of the Minutes of Meeting dated 24-7-2018 of the Admissions Regulating Authority was under consideration, and this Court had directed, by way of interim order, to deposit one year's fee each for the Dental Course with the said Authority. Thus, there are two inconsistent orders of this Court in respect of the same Item.

Apart from above, the penalty imposed was a condition for regularization of admissions in exercise of the statutory power under Sections 16 and 20 of the said Act. Therefore, it has to necessarily go in the account of the Admissions Regulating Authority.

In view of above, the review application is partly allowed, and the direction in Para 6 of the judgment dated 10-10-2018 passed in Writ Petition No.6712 of 2018 is recalled and it is directed that the amount of penalty in terms of the decision of the Admissions Regulating Authority is to be deposited in the account of the said Authority.

It is informed that the amount is deposited in this Court. The applicant- Admissions Regulating Authority is, therefore, permitted to withdraw the said amount with interest, if any, accrued thereon.

The review application stands disposed of.

(M.G. Giratkar, J.)

(R.K. Deshpande, J.)