

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

**CIVIL APPLICATION NO. 2021 OF 2020
IN
WRIT PETITION NO. 6297 OF 2019**

Dr. Biyabani Syed Najeebuddin

..APPLICANT

VERSUS

Millenium Institute of Management,
Through its Director and Others

..RESPONDENTS

....

Mr. V.J. Dixit, Senior Advocate i/b Mr. S.V. Dixit, Advocate for applicant
Mr. R.N. Dhorde, Senior Advocate i/b Mr. V.R. Dhorde, Advocate for
respondent nos.1 and 2

Mr. S.S. Thombre, Advocate for respondent no.3

Mr. C.V. Dharurkar, Advocate for respondent no.4

Mr. S.V. Adwant, Advocate for respondent no.5

Mr. S.G. Karlekar, Advocate for respondent no.6

Mr. S.K. Tambe, A.G.P. for respondent - State

....

**CORAM : SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.**

DATED : 03rd SEPTEMBER, 2020

PER COURT :

Heard Mr. V.J. Dixit, learned Senior Advocate for applicant, Mr.
R.N. Dhorde, learned Senior Advocate for Respondents No.1 and 2, Mr. S.S.
Thombre, learned Advocate for Respondent No.3, Mr. C.V. Dharurkar,
learned Advocate for Respondent No.4, Mr. S.G. Karlekar, learned Advocate
for Respondent No.6 and Mr. S.K. Tambe, learned A.G.P. for respondent
State.

2. Mr. Dixit, learned counsel contends that during pendency of petition seeking continuation of affiliation from university, Government Resolution dated 04th July, 2019 has been issued approving closure of institute in respect of certain aspects. He submits that this event has taken place during pendency of the petition and as this event would have repercussion on the outcome of writ petition, it is necessary to carryout amendment to the petition pointing out aforesaid development.

3. Mr. Dhorde, learned Senior Advocate vehemently contends that basically writ petition itself is not maintainable and further that the application suffers *laches* as the resolution is a sequel to an event long before the writ petition. He submits that the petitioner is dodging main issue and is not letting the main and basic petition filed by the management to be heard. He further purports to point out that a committee has been appointed and procedure under Section 121 of the Maharashtra Public University Act, 2016 is taking place. In the circumstances, amendment application may be heard alongwith the writ petitions.

4. Looking at the event taking place after institution of present writ petition and is stated to likely to have repercussion over the subject matter, we deem it appropriate to allow the application.

5. Accordingly, the civil application is allowed in terms of prayer clause (A). Amendment be carried out within two weeks from today.

6. Needless to refer to that, resistance, defences, opposition and points as are argued and would be argued on behalf of respondents, are open to be canvassed. The application is allowed without affecting the same.

7. Statement made on behalf of Respondents no. 1 and 2 to continue till next date.

(R.G. AVACHAT, J.)
SSD

(SUNIL P. DESHMUKH, J.)