

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

WRIT PETITION NO.1828 OF 2011

Shikshan Prasarak Mandal .. Petitioner
Versus
The Vice Chancellor, Solapur .. Respondent

ALONG WITH

WRIT PETITION NO.4487 OF 2021

Shikshan Prasarak Mandal,
Mangalvedha, through the President .. Petitioner
Versus
State of Maharashtra through the Secretary .. Respondent

Mr.A.V. Anturkar, Senior Advocate i/by Mr.P.S. Bhavake for the petitioner in both petitions.

Mr.P.N. Joshi a/w Mr.I. M. Khairdi for the respondent nos.1 &2 in WP/1828/11 and for the respondent no.3 in WP/4487/21.

Mr.N.K. Rajpurohit, AGP for the respondent nos.3 to 6-State in WP/1828/11.

Ms.Kavita N. Solunke, AGP for the respondent nos.1 & 2-State in WP/4487/21.

Dr.Rahul Bavge, Joint Director, Higher Education, Solapur present.

**CORAM : R.D. DHANUKA
ABHAYAHUJA, JJ.**

DATE : 7th October 2021

P.C.:-

. By writ petition no.1828 of 2011 filed under Article 226 of the Constitution of India, the petitioner has impugned the orders dated 25th September 2008 and 11th June 2010 annexed at Exhibits 'G' and 'J'

respectively and seeks further direction against the respondent nos.1 to 3 to return the properties of the petitioner in the interest of general public.

2. By writ petition no.4487 of 2021, the petitioner has sought a writ of management directing the respondents that by way of compromise, without insisting for withdrawal of RCS No.767 of 2009 and Special Civil Suit No.114 of 2010 and Regular Criminal Case No.390 of 2012, the respondent nos.1 to 3 be directed to complete the procedure of giving the re-affiliation as contemplated by the Government's order dated 3rd August 2011, within such time as this Court may deem fit and in any case before the commencement of the academic year 2021-22.

3. It is the case of the petitioner that from 1984 to 2000, the petitioner was providing educational opportunities in science to the students of locality of Mangalvedha Taluka and villages adjoining Mohol. At present about 700 students from 90 villages are prosecuting their studies in science and arts colleges in the colleges of the petitioner. The science college of the petitioner is the only college in the entire Taluka.

4. The petitioner had obtained a certificate of NAAC C+ from National Assessment Accreditation Council. The administrator was appointed by the respondent no.1 on 9th June 2008. The management of the petitioner was directed to be returned by the administrator. There were few complaints against the petitioner by various parties. On 25th September 2008, the respondent no.3 directed the respondent no.2 to initiate action against the petitioner under Section 91 of the Maharashtra Universities Act 1994 for withdrawal of affiliation of the petitioner college.

5. Pursuant to the said direction issued by the State Government, the university initiated inquiry and cancelled the affiliation granted to the petitioner. The petitioner has impugned the said decision by filing this petition.

6. By an order dated 7th October 2011 passed by Division Bench of this Court, Writ petition came to be dismissed summarily. Being aggrieved by the said order passed by this Court, the petitioner preferred Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court by an order dated 21st January 2015 in Special Leave Petition No.9757 of 2012 was pleased to quash and set aside the

order passed by this Court. This Court on 4th July 2018 admitted this petition and expedited the hearing of the petition.

7. Learned counsel for the parties jointly state that no reasons are required to be recorded by this Court in this order.

8. Mr.Anturkar, learned senior counsel for the petitioner, on instructions, undertakes to withdraw all civil and criminal proceedings against the respondent no.1 university and against the officers of the State Government unconditionally. Undertaking is accepted.

9. With the assistance of the learned counsel for the parties, we have perused the impugned order passed by the respondent no.1 university. A perusal of the order indicates that affiliation granted to the petitioner have been cancelled on the directives issued by the State Government and mainly on the ground that certain complaints were filed by some of the teachers and others against the petitioner institution. The petitioner also had filed certain complaints and proceedings against the university and some of the officers of the State Government.

10. In our view, the impugned order passed by the university is

without recording reason, harsh and unreasonable and is not following the principle of natural justice. Be that as it may, in view of the petitioner having undertaken to withdraw all civil or criminal proceedings against the university and in view of the petitioner already having suffered for last more than 12 years because of the impugned order, it would be appropriate to set aside the impugned order cancelling the affiliation granted to the petitioner.

11. Mr.Anturkar, learned senior counsel, on instructions, states that the petitioner would apply for renewal of affiliation of the petitioner under the provisions of the Maharashtra Public Universities Act, 2016 and would comply with requisite conditions required to be fulfilled for renewal of affiliation. Statement is accepted.

12. We accordingly pass the following order :-

- (i) The impugned the orders dated 25th September 2008 and 11th June 2010 annexed at Exhibits 'G' and 'J' respectively are quashed and set aside.
- (ii) The petitioner would be at liberty to make an application for renewal of affiliation initially granted to the petitioner to the university under the provisions of Maharashtra Public Universities

Act, 2016.

- (iii) If any such application is made by the petitioner, the same would be considered by the university in accordance with the provisions of the Maharashtra Public Universities Act, 2016 and in accordance with law.
- (iv) Upon the petitioner complying with the conditions set out therein, the university shall grant renewal of affiliation within eight weeks from the date of receipt of such application for renewal of affiliation.
- (v) The petitioner is directed to withdraw all civil and criminal proceedings in compliance with the undertaking rendered before this Court within four weeks from today before the appropriate Court and shall inform the same to the respondents' advocate within one week from the date of the said withdrawal.
- (vi) It is made clear that if the petitioner is granted renewal of affiliation by the respondent no.1 university, all benefits and entitlement of the petitioner which would be available to the petitioner shall be restored including the payment of grant-in-aid from the date of renewal of affiliation.
- (vii) Writ Petition No.1828 of 2011 is allowed in aforesaid terms. Rule is made absolute accordingly.

- (viii) In view of order passed in Writ Petition No.1828 of 2011, Writ Petition No.4487 of 2021 does not survive and is accordingly disposed of.
- (ix) There shall be no order as to costs.
- (x) Parties to act on the authenticated copy of this order.

ABHAYAHUJA, J.

R.D. DHANUKA, J.