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

***WRIT PETITION NO. 9716 OF 2019
with
INTERIM APPLICATION NO. 704 OF 2021***

Anjuman Moinut Tulba
Through Chairman Ziyaurrahman M. Ishaque ... Petitioner

V/s.

The State of Maharashtra
Through Higher and Technical Education & Ors. ... Respondents

***with
INTERIM APPLICATION (st.) NO. 6595 OF 2021
in
WRIT PETITION NO. 9716 OF 2019***

Seraj Ahmed Md. Mustafa Dular
Hon. Secretary, Anjuman Moinut Tulba ... Applicant

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Y.H. Muchhala, Senior Advocate with Musaddique Momin and
Mohd. Taha i/b. Judicare Law Assoc. for the Petitioner

Mr. Rajendra Anbhule for the Respondent 2
Mr. J.D. Khairnar for Respondent 3
Mr. V.M. Mali, AGP for the State

***CORAM : NITIN JAMDAR &
C.V. BHADANG, JJ.***

DATE : 18 MARCH 2021

P.C. :-

Heard the learned Counsel for the parties.

2. This Petition was filed on 4 July 2019 challenging the order dated 31 January 2019 granting letter of intent in favour of the Respondent No.3 for starting a college at Malegaon. The Petition has been amended. Upon the permission granted, the Respondent No.3 – college has started and the concerned academic year is also over. The learned Senior Advocate for the Petitioner accepts that this position cannot be undone but submits that next stage would be regarding the affiliation of the university. He submits that under Section 114 of the Maharashtra Public Universities Act, 2016 for continuation of affiliation, the provisions of Section 110(1)(2)(3) of the Act of 2016 will have to be followed and the University should follow the procedure as laid down under the Act when issue of continuation of recommendation comes up as it is the case of the Petitioner that the Respondent No.3 does not have the basic infrastructure.

3. The learned Counsel for the Respondent – University submits that there is no warrant for the apprehension that the

University will not follow the law as is done in other Court and states that when the issue of continuation of affiliation will come up before the University, we also agree with this position.

4. The Writ Petition is disposed of. Interim Applications stand disposed of accordingly.

C.V. BHADANG, J.

NITIN JAMDAR, J.

Jyoti P.
Pawar

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by Jyoti P. Pawar
Date:
2021.03.23
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