

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

**INTERIM APPLICATION NO. 3351 OF 2021
IN
WRIT PETITION NO. 7425 OF 2021**

Council of Architecture Established ..Applicant

In the matter between

Late Bhausahab Hiray SS Trust's
Dr. Baliram Hiray College of Architecture ..Petitioner

Versus

Union of India and Ors. ..Respondents

Mr. Naveen R. Nath, Sr. Counsel a/w Mr. Shrinivas S. Bobde, Mr. Anirudh Bhat and Mr. Jeel Shah i/b Wesley Menezes for the Applicant.

Ms. S.S. Bhende, AGP for the State-Respondent

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 18th NOVEMBER, 2021.

P.C. :-

1. The interim application is filed for vacating or modifying the interim order dated 29th October 2021 and for restraining the petitioner from making any admission to the M-Arch course without the decision of the applicant on the show cause notice dated 25th October 2021.

2. It is not in dispute that by the said interim order dated 29th October 2021, this Court had directed respondent Nos. 2,3 and 5 by mandatory order to display intake capacity of 20 students against the name of the petitioner for M. Arch (Project Management) course for the academic year 2021-22. We are informed by the learned senior counsel for the petitioner that though the said interim order has been complied with by the Director of Technical Education but the same has not been complied with by respondent no. 3. Learned senior Counsel for the applicant states that even his client has complied with the said interim order. Statement is accepted.

3. It is made clear that this Court has not stayed the show cause notice by the said interim order passed by this Court. The applicant (original respondent no. 3) is permitted to proceed with the said show cause notice without prejudice to the right and contentions of the parties and subject to the order that would be passed by the applicant in the said show cause notice and subject to further orders that would be passed by this Court. The applicant shall also decide the issue of jurisdiction of the applicant to issue such show cause notice in the order that would be passed.

4. In so far as the admission that would be granted by the petitioner, pursuant to the said interim order are concerned, the petitioner shall inform the students who would apply for

admission to the petitioner's college about the pendency of the show cause notice and also about the pendency of the writ petition filed by the petitioner. It should be make clear that admission would be subject to the outcome of the writ petition.

5. This Court will hear the parties in the writ petition on the next date for considering the reliefs sought in the petition.

6. The interim application is disposed of in the aforesaid terms. No order as to costs.

[ABHAY AHUJA, J.]

[R. D.DHANUKA, J.]