

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

WRIT PETITION NO.4642/2010

Real Institute of Management and  
Research , Nagpur.

.....Petitioner

- Versus -

Rashtra Sant Tukdoji Maharaj Nagpur  
University and another.

....Respondents

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Mr. Anand Parchure, Advocate for Petitioner.

Mr. B. G. Kulkarni, Advocate for Respondent No.1.

Ms. Shamsi Haider, Assistant Government Pleader for  
Respondent No. 2.

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CORAM : NITIN JAMDAR AND  
ANIL L. PANSARE,JJ.

DATE : 4 MAY 2022

P.C. :

Heard learned Counsel for the parties.

2. The Petitioner – Institute has challenged the decision of the Respondent – University raising a demand of ₹. 5 lakhs towards proposal fees and ₹ 2.5 lakhs towards fine, as per letter dated 4 September 2010. The Petitioner has sought the following main prayers:-

*“(i) To quash and set aside the order dated 04-09-2010 (Annexure-VII) passed by the respondent No.1;*

*(ia) quash and set aside the notification dated 14.08.2009 Annexure VIII, 26.10.2010 (Annexure IX) and minutes of the meeting dated 30.12.2008 (Annexure X),*

*(ib) Alternatively hold that the notification dated 14.08.2009 (Annexure VIII) cannot be made applicable to the case of the petitioner.*

*(ii) To direct the respondent no. 1 - University to forthwith accord affiliation to the petitioner institution for the academic session 2010-11.”*

3. The Petitioner has also sought following prayers for interim orders:-

*“(iii) By an interim order stay the effect and operation of the impugned order dated 4-9-10 (Annexure VII) passed by the respondent no.1;*

*(iv) By a further interim order direct the respondent no. 1 to accept the forms of the students for the winter examination of the petitioner – institution without any late fee during the pendency of the petition and in the interest of justice.”*

4. While issuing notice on 1 October 2010, *ad-interim* relief was granted in terms of prayer clauses

(iii) and (iv) subject to Petitioner's depositing ₹. 4 lakhs in this Court.

5. The Registry has placed an endorsement that an amount of ₹. 4 lakhs have been deposited before this Court. Thereafter, Rule was issued in the year 2011.

6. The Petition has come up for hearing after 11 years. It is not stated that the Respondents have challenged the interim order. As per interim order, which also includes direction to accept the forms of the students for further examination, steps must have been taken in light of the fact that this interim order is holding field for last 11 years. No fruitful purpose would be served by considering the Petition for final order. The Petition will have to be disposed of in light of the interim order.

7. In case, any cause remains for the Respondent - University as against the Petitioner, it is open to the Respondent – University to take the same. In which eventuality, it is open for the Petitioner to take necessary steps, as per law.

8. Accordingly, confirming the *ad-interim* order granted on 1 October 2010, Writ Petition is disposed of.

9. Rule made absolute in above terms. No costs.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

Gohane

JITENDRA  
BHARAT  
GOHANE

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signed by  
JITENDRA  
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