

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5741 of 2025**

=====

C.N. ARTS AND B.D. COMMERCE COLLEGE**Versus****HEMCHANDRACHARYA NORTH GUJARAT UNIVERSITY & ORS.**

=====

Appearance:**MR SUDHIR I NANAVATI SENIOR ADVOCATE WITH MR VANDAN K BAXI(5863) for the Petitioner(s) No. 1****NANAVATI & NANAVATI(1933) for the Petitioner(s) No. 1****MR ADITYA DAVDA ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 2,3****MR ANUJ K TRIVEDI(6251) for the Respondent(s) No. 1**

=====

CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 08/05/2025****ORAL ORDER**

1. Heard learned Senior Advocate Mr. Sudhir I. Nanavati with learned advocate Mr. Vandan K. Baxi appearing for the petitioner, learned advocate Mr. Anuj K. Trivedi appearing for the respondent No.1 – University and learned Assistant Government Pleader Mr. Aditya Davda appearing for the respondent Nos.2 and 3.

2. By way of this petition, the petitioner has prayed for the following reliefs :-

"A. This Hon'ble Court may be pleased to admit and allow the present Petition;

B. This Hon'ble Court may be pleased to issue writ of Mandamus or any other writ in the nature of Mandamus as may be pleased to direct the Respondent no.1 University to grant permission to the Petitioner College to conduct M.Com Course in English Medium from the academic year 2025-26 and to allot students to the said course from academic year 2025-26;

C. This Hon'ble Court may be pleased to direct the Respondent no.1 to provide the Petitioner with the necessary information / forms and Application procedure required to apply for permission to conduct the course of M.Com in English medium and upon such Application being preferred by the Petitioner, this Hon'ble may direct the Respondent no.1 to consider the same in the interest of students;

D. That pending hearing and final disposal of the present Petition, this Hon'ble Court may be pleased to direct the Respondent no.2 University to permit the Petitioner to conduct the M.Com Course in English Medium and the allot students to the said course from the Academic year 2025-26;

E. An ex-parte ad-interim relief in terms of prayer (d) above may kindly be granted.

Such other and further relief's as may be deemed just and proper in the facts of the present case may kindly be granted."

3. At the outset, learned Senior Advocate Mr. S. I.

Nanavati, under instructions states that for the

time being the petitioner does not press prayer made in paragraph No. 9(B), in view of the fact that the petitioner is trying to resolve the issue with the respondents and even learned advocate Mr. Anuj Trivedi appearing for the respondent also submitted that in case if the petitioner makes a fresh application to the respondent – University for running the M.Com Course English medium for the academic year 2025-26 and its complete cycle consisting of two years, the application of the petitioner would be considered as per old statute in view of the fact that today Executive Council and Academic Councils are not yet formed in view of new statute.

4. In view of above statement made upon instructions by learned advocate Mr. Anuj Trivedi, learned Senior Advocate Mr. S. I. Nanavati, under instructions, does not press this petition with a view to make a fresh application as per the suggestion made by

learned advocate Mr. Anuj Trivedi.

5. Learned Senior Advocate Mr. Nanavati states that appropriate application along with requisite fee would be made within a period of two weeks from today and upon receipt of the said application , the respondent – University may be directed to consider and decide the same at the earliest so as the future of the students also can be safeguarded but in any case before the start of next academic term.

6. Learned advocate Mr. Anuj Trivedi under instructions states that everything that is required to be done to protect the interest of the students would be done by the University and in view of above, no further order is required. The present petition stands disposed of as withdrawn in view of above broad consensus arrived at between the parties at this stage without entering into the merits of the matter.

(NIRZAR S. DESAI, J)

Pallavi