

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

WRIT PETITION NO.5584 OF 2025

Shree Chhatrapati Shivaji Education Society,
Dharwad & Anr.

... Petitioners

Vs.

State of Maharashtra & Ors.

... Respondents

Mr. Akshay Pai a/w Siddhi Bhosale a/w Omkar Kalundrekar a/w Sanika
Gawde for the Petitioners.

Mr. B. V. Samant, Addl. GP for the Respondent-State.

Mr. Pankaj Deokar for the Respondent-ZP, Satara.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 10TH JULY 2025

PC. :

1. Heard learned Counsel for the parties.
2. By way of the present Writ Petition, the Petitioners seek directions against Respondent Nos.2 and 3 for issuing renewal of existing registration of the attached hospital to the Ayurvedic Medical College of the Petitioners and issuance of final Fire NOC to the Petitioners.
3. Learned Counsel for the Petitioners submits that such permissions are necessary for securing the Annual Conditional Permission for the

Academic Year 2025-26 from the National Commission for Indian System of Medicine. It is further submitted that by an interim order dated 9th September 2024 passed in Writ Petition No.12833 of 2024, this Court has permitted the Petitioners to admit students for the Academic Year 2024-25 and directed Respondent Nos.2 and 3 to consider the application of the Petitioners for renewal of existing registration of the attached Hospital and issuance of final Fire NOC.

4. Learned Counsel for the Petitioners submitted that though the Petitioners have duly complied with all the requisitions and are entitled to receive the final Fire NOC, Respondent No.3 is refusing to issue the same for extraneous and untenable reasons. Respondent No.3 has agreed to renew the registration of the attached Hospital upon issuance of final Fire NOC. It is further submitted that Respondent No.3 conducted inspection of the premises of the Petitioners on 10th May 2025 and by its Inspection Report dated 16th May 2025, again reiterated the extraneous and untenable compliances without taking into consideration the order dated 7th May 2025 passed by this Court.

5. Mr. Samant, Learned Additional Government Pleader vehemently opposed the Petition and submitted that the final Fire NOC can be granted

only upon the Petitioners complying with all the safety requirements, which are communicated to the Petitioners in the Inspection Report dated 16th May 2025. It is submitted that if the Petitioners do not comply with the requirements, there is every possibility of risking the lives of students.

6. The Petitioners have filed the Affidavit cum Undertaking dated 2nd July 2025 of the President and Secretary of the Petitioners, which is taken on record and marked 'X' for identification. The said Affidavit cum Undertaking reads thus :

- "1. We are filing the present Affidavit Cum Undertaking in terms of the oral directions of this Hon'ble Court in the above Writ Petition. We are well conversant with the facts of the case. We are competent and duly authorized to depose on behalf of the Petitioners as under.*
- 2. At the outset, we repeat and reiterate all that has been stated in the above Writ Petition as if the same is reproduced herein verbatim. Presently, there are three remaining requisitions of Respondent No. 3 for issuance of said final Fire NOC as lastly contained in Communication/ Inspection report dated 16/05/2025 issued by Respondent No. 3, annexed at Exhibit - "E" to Additional Affidavit of the Petitioner dated 16/06/2025 filed herein.*
- 3. The Petitioners undertake to comply with said requisitions as lastly contained in Communication/Inspection Report dated 16/05/2025 issued by Respondent No. 3, annexed at Exhibit - "E" to Additional Affidavit of the Petitioner dated 16/06/2025, in the manner and on the terms set out hereinafter :-*
 - a. As regards requisition regarding construction of the two RCC staircases, the Petitioners state that they have already completed construction of one RCC staircase and have partly constructed the other one as of date. The Petitioners do hereby undertake to fully complete the construction of the said RCC staircase, as requisitioned, on or before 31/08/2025.*
 - b. As regards requisition regarding firefighting installation on the 2nd and 3rd Floor, the Petitioners state that owing to pending*

BAMS examination (theory as well as practical), which will fully conclude by end of August 2025, the Petitioners will be unable to commence the work of installation of the same immediately until 31/08/2025. The Petitioners, therefore, undertake to commence the said firefighting installation on the 2nd and 3rd Floor on 01/09/2025 and complete the same on or before 01/12/2025.

- c. As regards requisition regarding the area called as "basement", the Petitioners, firstly, place on record that, as of date, the Petitioners have already installed the necessary firefighting installations therein in the same manner as installed on the Ground & 1st Floor, which has already been inspected by Respondent No. 3. Secondly, such area is constructed, described and used as a "Lower Ground Floor" as per the sanctioned plans of the building of the year 2004, which is located partly above the ground level. Additionally, such an area has all the necessary safety measures including two exits, sufficient ventilation, large windows, etc. Thus, the Petitioners have sufficiently complied with all the fire safety measures and installations relating thereto.*
- 4. The Petitioners undertake to abide by all the undertakings contained herein and pray that the same be accepted as undertakings to this Hon'ble Court.*
- 5. We state that whatever is stated above is true and and we believe the same to be true and correct."*

7. After having heard the parties, we pass the following order:

ORDER

- i. In view of the undertaking contained in Affidavit cum Undertaking of the Petitioners dated 2nd July 2025, Respondent No.2 shall grant requisite conditional/provisional renewal of the existing Hospital Registration Certificate of the Petitioners.

- ii. In the event the Petitioners comply with the said Undertaking in terms of the Affidavit cum Undertaking dated 2nd July 2025, Respondent No.3 shall issue final Fire NOC and in turn Respondent No.2 shall grant renewal of existing Hospital Registration Certificate to the Petitioners.
- iii. Respondent No.3 shall duly carry out the necessary inspection on 1st September 2025 and 2nd December 2025 to confirm compliance of the said Undertakings.
- iv. It is further made clear that insofar as Clause (c) of the Affidavit cum Undertaking is concerned, the new stand has been taken by the Petitioners that it is a lower ground floor, which according to Mr. Samant was never a case set up earlier. We are not expressing any opinion on this contention of the Petitioners. It is for Respondent No.3 to deal with such contention considering the same when the inspection is carried out on 1st September 2025 and 2nd December 2025 to confirm compliance.

8. This order has been passed in the peculiar facts and circumstances of the case and having regard to the earlier orders passed from time to time by this Court.

9. Stand over to 3rd September 2025 to report compliance.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)