

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1809 OF 2018.

(Tulsiramji Gaikwad Patil College of Engineering & Technology & another .vs.
Rashtrasant Tukdoji Maharaj Nagpur University & others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Dr. Anjan De, Advocate for petitioners,
Mr. N.S. Khubalkar, Advocate for respondent no. 1,
Mr. N.P. Lambat, Advocate for respondent no.2,
Mr. S.A. Ashirgade, A.G.P. for respondent nos.3 & 4.

CORAM : B.P. DHARMADHIKARI & A.D. UPADHYE, JJ.

DATED : MAY 2, 2018.

1] Heard.

2] It appears that till notification issued on 30.4.2015 lateral movement/admissions of students who have cleared B.Sc. (Computer Science), B.Sc. (Information Technology) or Bachelor of Computer Application (B.C.A.) to M.C.A. IInd year course were allotted. By that notification these admissions have been discontinued.

3] This Court has issued notice on 27.3.2018. Respondent no.1 University has filed reply today. In impugned notification dated 30.4.2015 as also in reply there is no explanation for this shift in stand on 30.4.2015. In reply in paragraph 2 only fact of resolution moved by a member of Board of Studies, its acceptance by Vice-Chancellor in Academic Council and its further transmission to Management Council appeared. Management Council in turn accepted it and

forwarded it to Director of Technical Education. The decision if any by Director of Technical Education has not been pointed out by respondent no.1. Respondent no.3 Director of Technical Education or respondent no.4 also have not thrown any light in this respect.

4] The learned Counsel for respondent no.2 is seeking time as he is still awaiting instructions.

5] We find that the Division Bench of this Court at Aurangabad in Writ Petition No. 4917/16 followed the judgment in case of **State of Tamil Nadu .vs. Adhiyaman Educational and Research Institute : (1995) 4 SCC 104** and held that the decision of respondent no.2 AICTE has to prevail. There are subsequent judgments also wherein similar view has been taken.

6] Mr. N.S. Khubalkar, learned Advocate for respondent no. 1, has also read out later part of paragraph 2. He submits that in view of recent elections, after a proper Board of Studies starts functioning, necessary decision on grievance of petitioners can be taken. He also points out that there is no urgency. According to him, matter can definitely wait till decision is taken by University.

7] Dr. Anjan De, learned Advocate for petitioners, points out that admission process has to start now and hence, necessary publication/advertisement need to be issued.

8] The students found eligible and entitled to admission since the year 2009 till 2014-15 have been declared not eligible. Decision could have been taken by University had there been some material to

disqualify them. No such material is being pressed into service.

9] In this situation, we list the matter after vacation. We permit petitioners to proceed further with the admission process. The invitation for admission shall expressly specify that admissions shall be subject to further orders of the Court in the matter.

10] List for further consideration on 11.6.2018.

11] Steno-copy of order is permitted.

Judge

Judge

J.

