



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6356 OF 2014

Nagar Yuwak Shikshan Sanstha's
Datta Meghe College of Engineering,
through its Principal and anr ... Petitioners
V/s.
All India Council for Technical
Education (AICTE) & Ors. ... Respondents.

Mr. Shailesh C. Naidu with Pramod Kalwar for the Petitioners.
Mr. Mihir Desai for Respondent no.1/AICTE.
Mr. Rui Rodrigues for the University.

**CORAM: ANOOP V. MOHTA &
A.A. SAYED, JJ.**

DATED : JULY 8, 2014.

PC. :

Heard the learned counsel appearing for the parties.

2 The submission is made that this case is also similarly placed and, therefore, the order so passed in other writ petition including ad-interim order in other writ petitions including Writ Petition No.6021/2014 may be passed in this matter on similar line.

3 The Petitioner/Institution's have been imparting education since 31 August 1988. By impugned order dated 2 July 2014, received by the Petitioner on 4 July 2014. The Petitioner/Institution is declared no admission category for the academic year 2014-15 basically on the ground of land related deficiency. The Petitioner's infrastructure facilities and buildings in question have been in existence since first approval/sanction.

4 This is a case where the Petitioner – Institution have been imparting education since 31 August 1988. The infrastructure/property and facilities are same since then.

5 The reference be made to the earlier orders passed by the Supreme Court dated 17 April 2014 and 9 May 2014, whereby the last date for approval was 10 June 2014. However, that date has been extended to 3 July 2014 by order dated 26 June 2014, *(Jayamatha Engineering College Vs. Union of India & Ors. (Writ Petition (Civil) No. 538 of 2014).*

6 Therefore, taking over all view of the matter, at this stage,

in the interest of students, as well as, the institute, we are inclined to stay the effect and operation of impugned order/letter dated 2 July 2014 in respect of the Petitioners present institute and further grant ad-interim relief in terms of prayer (e) in following terms:-

(e) "Pending the hearing and final disposal of the petition this Hon'ble Court may be pleased to direct the Respondent No. 2 and 3 to upload the Petitioner's name for the Centralized Admission Process and it be allowed to participate in CAP conducted by Respondent No.2 for the academic year 2014-15 in terms of sanctioned strength of 2013-14.

7 However, this will be subject to the further orders of this Court. The Petitioners will not claim any equity on the basis of this order. The Respondents to file reply affidavit on or before the next date.

8 It is also clarified that non-listing of the Petitioners

institute/name on the AICTE Website will not affect the admission process and implementation.

9 The parties to act on an authenticated copy of this order.

10 It is also made clear that the Officer of Respondent Nos. 2 and 3 i.e. Dr. Rajeev V. Shetkar, Assistant Director (Tech.), Directorate of Technical Education, M.S. Mumbai, is present in the Court and therefore, non-availability of the present order should not be the reason not to implement the order passed by this Court today.

11 Stand over to 11 July 2014 (H.O.B.).

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 6356 OF 2014**

Nagar Yuwak Shikshan Sanstha's,
Datta Meghe College of Engineering
Through its Principal
(Dr.) Subir D. Sawarkar
having office at 1st Floor,
Datta Meghe College of Engineering,
Plot No.98, Sector-3, Airoli,
Navi Mumbai.

....Petitioners.

Vs.

- 1 All India Council for Technical Education through its Western Region Office and having its address at 2nd Floor, Insurance Assurance Building, Veer Nariman Road, Opposite Churchgate Railway Station, Mumbai-400 020.
- 2 The Director of Technical Education, Maharashtra State, 3, Mahapalika Marg, Dhobi Talao, Mumbai-400 001.
- 3 The State of Maharashtra, The Department of Higher & Technical Education through The Government Pleader, PWD Building, Fort, Mumbai-400 023.
- 4 University of Mumbai through its Registrar, University of Mumbai at Fort Campus, Fort, Mumbai-400 032

....Respondents.

Mr. C.R. Naidu i/by Mr. Pramod Kalwar for the Petitioner.
Mr. Mihir Desai a/w Mr. Sarnath Sariputta and Mr. Swaraj Jadhav for
AICTE.
Mr. V.N. Sagare, AGP for the State.
Mr. Rui A. Rodrigues for the University.

**CORAM : ANOOP V. MOHTA AND
F.M. REIS, JJ.**

DATE : 3 SEPTEMBER 2014.

ORAL JUDGMENT (PER ANOOP V. MOHTA, J.):-

Rule, returnable forthwith.

Heard finally, by consent of the parties.

2 The submission is made by the learned counsel appearing for the parties that the issues and the party-Respondents involved, are common in this matter also, therefore based upon the reasons so recorded in orders dated 1 July 2014, 14 July 2014 (Coram:- Anoop V. Mohta and A.A. Sayed) and 27 August 2014 (Coram:- Anoop V. Mohta and A.S.Gadkari) passed in Mahatma Education Society's Pillai's Institute of Information Technology, Engineering, Media Studies & Research Vs. All India Council for Technical Education (AICTE) & Ors. (Writ Petition No. 6021 of 2014), and in view of Judgment passed today in Lokmanya Tilak Jankalyan Shikshan Sanstha's Lokmanya

Tilak College of Engineering Vs. All India Council for Technical Education

(AICTE), we are inclined to allow this Petition.

3 Therefore, the following order:-

ORDER

- a) Impugned order dated 2 July 2014 passed by the AICTE is quashed and set aside.
- b) Interim orders dated 8 July 2014 and 14 July 2014 are confirmed/ maintained.
- c) We direct Respondent-AICTE to grant permission to the Petitioners for the academic year 2014-2015.
- d) AICTE is at liberty to proceed in accordance with law from the next academic year, including the issues so raised now.
- e) By keeping all points open, the present Writ Petition is allowed.
- f) Rule made absolute accordingly.
- g) There shall be no order as to costs.

(FM. REIS, J.)

(ANOOP V. MOHTA, J.)



