IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 6297 & 6299 OF 2012.

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WRIT PETITION NO. 6297/2012.

1. Archana M. Bele,
   Aged major, Occ – Service,
   r/o. 259, Laxminagar,
   Nagpur – 400 022.

2. Nikhil Kohale,
   Aged major, Occ – Service,
   r/o. 580, Walkar Road, Mahal
   Nagpur – 400 032.

3. Pratik Barsagade,
   Aged major, Occ – Service,
   r/o. Plot no.77, Vaibhav Nagar,
   Umrer Road, Nagpur – 400 034. ....**PETITIONERS.**

VERSUS

1. Rashtrasant Tukdoji Maharaj,
   Nagpur University, Rabindranath
   Tagore Marg, Nagpur – 440 001
   through its Vice Chancellor.

2. Rashtrasant Tukdoji Maharaj,
   Nagpur University, Rabindranath
   Tagore Marg, Nagpur – 440 001
   through its Deputy Registrar.

3. Council of Architecture
(COA) Indian Habitat Centre,
Core 6-A, 1st Floor, Lodhi Road,
New Delhi – 110 003.

4. Priyadarshini Institute of
Architecture and Design Studies,
Hingna Road, Nagpur 411 019.
through its Principal. ....**RESPONDENTS.**

Mr. Sunil Manohar, Senior Advocate with Mr. A.S. Chandurkar, Advocate for Petitioner.
Ms. T. Khan, Advocates for Respondent Nos. 1 and 2.
Mr. A.M. Ghare, Advocate for Respondent No.3.
Mr. R. Joshi, Advocate for Respondent No.4.

WITH

WRIT PETITION NO. 6299/2012.

1. Ravi Nafde,
Aged major, Occ – Service,
R/o. 244, Abhyankar Road,
Nagpur – 440 010.

2. Miss Neema M. Gujarkar,
Aged major, Occ – Service,
R/o. Plot no.78, Santaji Society,
Narendra Nagar, Nagpur.

3. Sunil S. Toye,
Aged major, Occ – Service,
R/o. Plot no.7, Jeevanchhaya Nagar,
Ring Road, Nagpur.

4. S.L. Swamy,
   Aged major, Occ – Service,
   R/o. Plot no.221, Nilam Apartment,
   Khare Town, Nagpur – 440 010.

5. Nandini S. Kulkarni,
   Aged major, Occ – Service,
   R/o. 191, Gandhi Nagar, Nagpur.

6. Mrs. Rashmi Dande,
   Aged major, Occ – Service,
   R/o. Plot no.51, Sonali Apartment,
   Pande Layout, Nagpur. ....**PETITIONERS.**

VERSUS

1. Rashtrasant Tukdoji Maharaj,
   Nagpur University, Rabindranath
   Tagore Marg, Nagpur – 440 001
   through its Vice Chancellor.

2. Rashtrasant Tukdoji Maharaj,
   Nagpur University, Rabindranath
   Tagore Marg, Nagpur – 440 001
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   (COA) Indian Habitat Centre,
   Core 6-A, 1st Floor, Lodhi Road,
   New Delhi – 110 003.

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   Architecture and Design Studies,
   Hingna Road, Nagpur 411 019.
   through its Principal. ....**RESPONDENTS.**

Mr. Sunil Manohar, Senior Advocate with Mr. A.S. Chandurkar, Advocate for Petitioner.
Mr. P.B. Patil, Advocates for Respondent Nos. 1 and 2.
Mr. A.M. Ghare, Advocate for Respondent No.3.
Mr. R. Joshi, Advocate for Respondent No.4.

CORAM : B.P. DHARMADHIKARI
& A.B. CHAUDHARI, JJ.

DATED : APRIL 17, 2013.

ORAL JUDGMENT. (Per B.P. Dharmadhikari, J).

1. Pursuant to the orders dated 19.12.2012 the matters are taken up for final disposal at admission stage by issuing Rule, making the same returnable forthwith. Pleadings are complete. Shri Sunil Manohar, learned Senior Counsel with Shri A.S. Chandurkar, learned Counsel for petitioners has completed his arguments. Shri P.B. Patil and Ms. T.Khan, learned Counsel for respondent nos. 1 and 2 -University, Shri A.M. Ghare, learned Counsel for respondent No.3 and Shri R. Joshi, learned Counsel for respondent no.4 have also addressed the Court.

2. Submission of learned Senior Counsel appearing on behalf of the petitioners is, refusal of University to consider the selection of petitioners

and to process it further in accordance with the approval granted by the University on 25.02.2011, to the proposal as also the advertisement thereafter published on 30.06.2011 is, unsustainable, as the qualifications prescribed by the respondent no.3 Council must prevail and the qualifications prescribed by All India Council of Technical Education to that extent are not attracted. It is pointed out that the petitioners were duly selected and appointed. Their selection was complete on 10.09.2011. The AICTE Regulations have been adopted by the University long thereafter by issuing directions vide direction No.4/2012 on 03.05.2012. Support is being taken from the judgment of Division Bench of this Court reported at **2012 (5) All MR 318 (Ku. Khayti Girish Purnima Kulkarni .vrs. College of Architecture, Pune and others**).

3. Learned Counsel appearing for the respondent no.3 Council of Architecture has supported the case of petitioners.

4. During arguments it has been pointed out to us that a Special Leave Petition against the judgment of Division Bench (supra), has been admitted by the Hon'ble Supreme Court, however, there is no interim order passed.

5. In this situation, we find that the Nagpur University has relied upon the directions which was not in force at the time of selection of petitioners. We find that the petitioners joined after appointment orders dated 08.10.2011 and while their appointments were sent for approval, the impugned orders have been passed.

6. In the light of the facts and law noted above, it is apparent that the respondent University has to abide by the norms accepted by it while permitting issuance of advertisement and when the selection process was carried out after public advertisement. We accordingly direct the respondent University to examine the proposals received by it, in accordance with the said norms and decide the same within a period of 8 weeks from today.

7. In view of this, Writ Petitions are partly allowed. Rule is made absolute in the aforesaid terms, with no order as to cost.

JUDGE **JUDGE**

Rgd.