

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No.5902 Of 2011

* President,
Students Academic Education
Society, Aurangabad. .. **Petitioner.**

Versus

- 1) Union of India,
Through Secretary of
Human Resources Development,
New Delhi.
- 2) The Registrar,
Council of Architecture,
India Habitats,
Central Core, 6-A,
10th Floor, Lodhi Road,
New Delhi 110 003.
- 3) The State of Maharashtra
Through Principal Secretary,
Higher and Technical Department
Mantralaya, Mumbai 400 032.
- 4) Director of Technical Education
for Maharashtra State,
3, Mahapalika Marg, Dhobi Talao,
Mumbai - 400 001.
- 5) Registrar,
Dr. Babasaheb Ambedkar
Marathwada University,
University Campus,
Aurangabad. .. **Respondents.**

Shri. S.R. Choukidar, Advocate for the petitioner.

Shri. Alok Sharma, Assistant Solicitor General, for respondent Nos.1 and 2.

Smt. V.A. Shinde, Assistant Government Pleader, for respondent Nos.3 and 4.

Shri. K.M. Suryawanshi, Advocate, for respondent No.5.

CORAM: D.B. BHOSALE &
S.B. DESHMUKH, JJ.

DATE: 8th AUGUST 2011

ORAL JUDGMENT: (Per D.B. Bhosale, J.)

- 1) Heard learned counsel for the parties. Rule. Rule made returnable forthwith. Petition is taken up for hearing with consent of the petitioner and the respondents. Learned Advocates for the respondents waive service.
- 2) At the outset, learned counsel for the petitioner has placed on record a copy of judgment dated 18th July 2011 passed by the Principal Seat at Mumbai in Writ Petition No.5455 of 2011 (Coram: Mohit S. Shah, C.J. & Girish S. Godbole, J.) and submitted that even on facts, the case of the present petitioner and the petitioner in Writ

Petition No.5455 of 2011 is similar though in the present case approval is granted by the Council of Architecture. Prayers made therein also are similar. In view thereof, he prayed for disposing of this writ petition, in terms of the judgment and order dated 18-7-2011, and issue directions as issued in paragraph 11 thereof.

3) Learned counsel appearing for the respondents have not disputed the aforesaid submissions made by the learned counsel for the petitioner and submitted that this petition can also be disposed of in terms of the order dated 18th July 2011 passed in Writ Petition No.5455 of 2011.

4) We have perused the writ petition. The petitioner-Society/Trust applied to respondent No.2 - Council of Architecture (for short, Central Council), for starting new College of Architecture for Under Graduate and Decree Course with intake of 40 as per the provisions of the Architects Act, 1972. The period of approval is 2011-2012, 2012-2013 and 2013-2014. There is no dispute that the Central Council has granted approval to the petitioner as per the decision taken at its 112th Meeting

held on 27th July 2011 and the decision was put on the website of the Central Council on 1st of August 2011. Copy of the letter produced by Mr. Alok Sharma, Standing Counsel for the Central Council dated 28-7-2011 is taken on record and marked as "X" for identification. Learned counsel for the petitioner states that, the petitioner have already approached respondent No.5-University for seeking affiliation. He, therefore, seeks directions to respondent No.5-University to consider their application for seeking affiliation within time frame. Keeping in view the order dated 18th July 2011 passed in Writ Petition No. 5455 of 2011 and the submissions of the learned counsel for the parties, we dispose of this writ petition by issuing the following directions.

- (i) Written undertakings of the Chairman and Secretary of petitioner not to admit any student and accept fees till the college is granted affiliation/permission by respondent No.5-University and till petitioner comply with the conditions prescribed in paragraph 3.3 in the Letter of Intent dated 25th May 2011 issued by the Central Council shall be filed in this Court within one week from today and

copy thereof shall be forwarded to all the respondents within one week from today. Paragraph 3.3 of the Letter of Intent dated 25th May 2011 reads thus :

"3.3 Adequate architecture teaching faculty are to be recruited as per the Minimum qualifications, experience and structure for teaching posts in a degree level architectural institution as prescribed in *Appendix-B1* of the :"*Council of Architecture - Minimum Standards of Architectural Education, 2008*" which have been prescribed pursuant to Section 21 of the Architects Act, 1972 supplementing the *Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983.*"

(ii) Respondent No.3-State of Maharashtra shall accordingly issue appropriate direction / Government Resolution notifying the petitioner-College as approved by the Central Council in the list of such colleges for centralized admission process published for the academic year 2011-2012 and respondent No.4-Director of Technical Education shall forthwith include the petitioner-College for Centralized Admission Process for First Year Bachelor of Architecture course with intake of 40 for the academic year 2011-2012 and to display the name of the petitioner-College on its website along with other colleges.

(iii) It is further directed that petitioner - College shall not admit any student and accept the fees before getting the affiliation from respondent No.5-University and before complying with the conditions prescribed in para 3.3 in the Letter of Intent dated 25th May 2011. Undertakings as aforesaid shall be filed in this Court within one week and copies thereof shall be forwarded to all the respondents within one week.

(iv) It is further directed that, the Director of Technical Education shall publish the information and also specifically mention that the application of the petitioner - college for affiliation is pending with respondent No.5-University and that no student shall be admitted by petitioner-College without getting such affiliation.

(v) Respondent No.5-University shall consider and decide the application of the petitioner for seeking affiliation on merits and in accordance with law expeditiously having regard to the schedule of admission. It is needless to mention that for considering the application for affiliation respondent No.5-University shall follow the due procedure.

(vi) Rule is made absolute in the aforesaid terms.

(vii) Respondent No.5 -University will be at liberty to move this Court for modification/clarification of this order, in case the need arises.

Authenticated copy be supplied to the counsel for the parties. Parties to act on a copy of this order duly authenticated by the registry of this Court.

Sd/-
(S.B. DESHMUKH, J.)

Sd/-
(D.B. BHOSALE, J.)

Authenticated Copy #

[Handwritten Signature]
9/18/11

Section Officer
High Court
Bench At Aurangabad

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