

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2110 OF 2026

St. Xaviers College (autonomous) ...Petitioner
Versus
The State Of Maharashtra (through The Principal
Secretary Higher And Technical Education Dep. ...Respondents

Mr. S.C. Naidu, a/w Mr. T.R. Yadav, Ms. Divya Yajurvedi, Mr. Pradeep Kumar, for the Petitioner.

Ms. Anupamaa Pawar, AGP for the Respondent Nos. 1 to 3.

Mr. Rui Rodrigues, for Respondent No. 4.

Dr. Rupesh Raut, Joint Director Higher Education, Mumbai present.

Mr. Kailas Dandage, Administrative Officer present.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 30th APRIL, 2026

PC:-

1. We have heard the learned counsel appearing for the parties, including the learned AGP for Respondent No. 3 – State, and perused the prayers, including the amended prayers in the petition.

2. As per amended prayer clause BB, a stay has been sought on the implementation of the impugned communication dated 10 April 2026 (Exhibit S3 to the Petition). We consider it appropriate in view of the legal

challenge raised by Mr. Naidu, learned counsel for the Petitioner, to direct the Petitioner to make a representation to Respondent No. 3 – State with regard to the validity of the communication dated 10 April 2026 within a period of one week from today.

3. Reference has been made to Section 105(10) of the Maharashtra Public Universities Act, 2016, which Mr. Naidu submits is not applicable to empowered autonomous colleges in view of Section 123 of the said Act. He further submits that the impugned communication violates Section 417 of the Statute framed by the University of Mumbai as well as the fundamental rights guaranteed under Article 13(1) of the Constitution of India. These submissions shall form part of the representation to be submitted by the Petitioner. The said representation shall be determined by Respondent No. 3 – State within a period of six weeks from the date of filing of the representation.

4. Respondent No. 3 – State shall, while determining the representation, may seek necessary assistance from Respondent – University of Mumbai, particularly with regard to the circular dated 26 March 2019 and which shall be provided.

5. Respondent No. 3 – State shall communicate its decision to the Petitioner within a period of one week from the date of such decision, and which shall also be placed on record by Respondent No. 3 in its affidavit in reply so filed.

6. The Respondent Nos. 4 shall also file their affidavit in reply to the petition on or before 22 June 2026.
7. The Petitioner shall be at liberty to file an affidavit in rejoinder thereto within a period of one week thereafter.
8. Place this writ petition for consideration on **30th June 2026**.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]