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ITEM NO.MM-4C

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

IA 20-21 in

Petition(s) for Special Leave to Appeal (Civil) No(s).4247-4248/2009

(From the judgement and order dated 07/01/2009 in CAW No. 52/2009 &  
WP No. 2701/2008 of the HIGH COURT OF BOMBAY AT NAGPUR)

RASHTRASANT T.M.S.& S.B.V.M.C.A.VID.&ORS

Petitioner(s)

VERSUS

GANGADAR NILKANT SHENDE & ORS.

Respondent(s)

(With appln(s) for directions, exemption from filing O.T. and prayer  
for interim relief and office report)

WITH

I.A. 4 & 5 in SLP(C) No. 21640/2009

I.A. 3 & 4 in SLP(C) No. 21639/2009

I.A. 7-10 in SLP(C) No. 3238-3239/2009

I.A. 8-9 & 10-11 in SLP(C) Nos. 4243-44/2009

I.A. 6-9 in SLP(C) No. 5798-5799 of 2009

I.A. 6-9 in SLP(C) No. 5747-48 of 2009

I.A. 6-9 in SLP (C) Nos. 5765-66/2009

I.A. 6-9 in SLP (C) No. 4245 of 2009

I.A. 16-19 in SLP(C) No. 4246/2009

I.A. 8-11 in SLP(C) No. 11050/2009

(for directions/exemption from filing OT)

Date: 09/11/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Nagendra Rai, Sr. Adv.

Mr. R.K. Adsure, Adv.

Mr. Venkateswara Rao Anumolu, Adv. (Not present)

Mr. Arun R. Pednekar, Adv.

Mr. Sunil Kumar Verma, Adv.(Not present)

Mr. Arun R. Pednekar, Adv.

Mr. Himinder Lal, Adv. (Not present)

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Mr. Abhay Kumar, Adv.

Mr. B.K. Satija, Adv.

Mr. Uday B. Dube, Adv.

Mr. Kuldip Singh, Adv. (Not present)

Mr. Sudhanshu S. Choudhari, Adv.

For Respondent(s)

Mr. Sanjay Kharde, Adv.

Mrs. Asha Gopalan Nair, Adv. (Not present)

Mr. Amitesh Kumar, Adv.

Mr. Ravi Kant, Adv.

Mr. Gopal Singh, Adv. (Not present)

UPON hearing counsel the Court made the following

O R D E R

In these applications, prayer has been made for issue of an interim direction to the authorities of the Maharashtra Government to allot students to the petitioner-institutions for the academic year 2011-12 in terms of order dated 17.07.2009 passed in S.L.P. (C) Nos. 4247-4248 of 2009 and connected matters.

We have heard learned counsel for the petitioners, learned counsel for NCTE and learned counsel representing the State of Maharashtra and carefully scrutinised the records.

In our view, the prayer made by the petitioners cannot be granted because the documents placed before the Court show that none of the institutions has appointed teachers for the academic session 2011-12. In some cases, the term of the teachers appointed earlier has already come to an end. In some cases, the teachers appointed by the institutions have not been approved by the concerned authority of the State of Maharashtra.

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Therefore, there is no valid ground much less justification to entertain the prayer made in the applications.

We are further of the view that any direction by this Court for allotment of seats to the petitioners is fraught with grave consequence because in the event of ultimate dismissal of the special leave petitions, the career of the students will be jeopardized.

With the above observations, the applications are dismissed.

(Parveen Kr. Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master