

ITEM NO.14

COURT NO.11

SECTION IX

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

I.A.No.1 In & Petition(s) for Special Leave to Appeal  
(Civil)...../2010

(CC 10322/2010)

(From the judgement and order dated 03/12/2008 in WP No. 2216/2006  
of The HIGH COURT OF BOMBAY AT NAGPUR)

MAHATMA PHULE GRAM.VIKAS S.S.SONVALA

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

(With appln(s) for permission to file SLP and office report)

WITH

I.A.No.1 In &amp; S.L.P.(C)...CC NO. 10378 of 2010

(With appln(s) for permission to file SLP and office report)

I.A.No.1-2 In &amp; S.L.P.(C)...CC NO. 10383 of 2010

(With appln(s) for permission to file SLP and office report)

I.A.No.1 In &amp; S.L.P.(C)...CC NO. 10384 of 2010

(With appln(s) for permission to file SLP and office report)

I.A.No.1 In &amp; S.L.P.(C)...CC NO. 10392 of 2010

(With appln(s) for permission to file SLP and office report)

I.A.No.1-40 In &amp; S.L.P.(C)...CC NO. 10689 of 2010

(With appln(s) for permission to file SLP and office report)

I.A.No.1 In &amp; S.L.P.(C)...CC NO. 10742 of 2010

(With appln(s) for permission to file SLP and office report)

I.A.No.1 In &amp; S.L.P.(C)...CC NO. 10771 of 2010

(With appln(s) for permission to file SLP and office report)

Date: 19/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Dr. R.R. Deshpande, Adv.  
Mrs. Ujwala R. Deshpande, Adv.

Ms. Abha R. Sharma, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. P.N. Misra, Sr. Adv.

Mr. Naushad Ahmad Khan, Adv.

Mr. Rajesh Kumar Verma, Adv.

Mr. Chellaian, Adv.

Mr. Aftab Ali Khan, Adv.

For Respondent(s)

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UPON hearing counsel the Court made the following

O R D E R

Applications filed by the petitioners for permission to file

SLP is allowed.

Delay condoned.

The petitioners are aggrieved by order dated 3.12.2008 passed

by the Division Bench of Bombay High Court, Nagpur Bench in a suo

moto public interest litigation. Sub-paragraph (E) of paragraph 7

of the impugned order against which the petitioners have

substantive grievance is as under:

"7. We, therefore, direct as under:

(A) to (D) xxx xxx xxx

(E) So far as the posts of Principal in the private colleges are concerned, we approve the following measures proposed by the University by noting that the University has already issued a circular to all such colleges directing their managements for taking prompt and immediate steps to fill in these posts by 31st March, 2009 and every Management has been directed to submit an undertaking to that effect.

a) Each individual case of such private colleges would be evaluated as on 15th March, 2009 so as to note down the steps taken to fill in the post of Principal and if the recruitment process is seen to be in progress, the University may consider extending the dead line up to 31st May, 2009.

b) The Colleges which fail to fill in the post of Principal by 31st May, 2009, the University will issue orders in the first week of June, 2009 prohibiting admissions in the first year of the respective faculties for the academic year 2009-2010 and the names of such defaulting colleges would be notified in the local newspapers at the state level as well as the regional level.

c) If the students are admitted despite these prohibitory orders in the first year, the University will not grant enrollment to such unauthorized students nor would it

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permit the unauthorized students to appear for the examination.

d) The Colleges which would continue to be the defaulters in the next academic year (2010-2011), the University will prohibit the admissions for the first year and second year in that academic year and if the defaults continue at the end of the academic year 2010-2011, the University will be left with no option than to withdraw/cancel the affiliation of such Colleges. Undoubtedly, the University will follow the due process of issuing a show cause notice etc. when it proceeds to withdraw/cancel the affiliation.

e) The names of the colleges where admissions have been prohibited as mentioned hereinabove will be intimated in writing to the Joint Director of Higher Education every year with a request to take appropriate stringent measures which the Government may direct.

f) The University will prepare data bank of all the lecturers/professors who are eligible for appointment to the post of Principal and such list shall be circulated to all the private colleges (aided and non-aided) on or before 31st January, 2009. We clarify that the names so circulated by the University will be in addition to the applications that the colleges may receive in response to the advertisement released by them. The circulation

of such names by the University may not leave any scope for the Colleges concerned to take a position that suitable candidates are not available."

Learned counsel for the petitioners made serious endeavour to convince the Court that their clients have taken steps for appointing Principals but after realising that this Court is not inclined to entertain the prayer for setting aside the impugned order, they made a request that permission may be granted to their clients to withdraw these special leave petitions with liberty to approach the High Court.

The request of the learned counsel is accepted and the special leave petitions are dismissed as withdrawn with liberty in terms of

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the prayer made.

However, it is made clear that this order shall not be construed as a mandate of this Court to entertain the writ petition or review petition, which may be filed by the petitioner(s) and the High Court shall decide the same on its own merit. The High Court shall pass appropriate order keeping in view the relevant statutory provisions and after fully satisfying itself that the petitioner(s) have complied with the relevant provisions of the Act and rules/regulations/statute.

Application for impleadment in I.A. No.1 in & S.L.P.(C)...CC NO.10322 of 2010 is also disposed of.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master