

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1738 OF 2007

(arising out of SLP(C)No.1085 of 2005)

PUNE UNIVERSITY TEACHERS' ASSOCIATION

...

APPELLANT

VERSUS

STATE OF MAHARASHTRA & ORS.

...

RESPONDENTS

O R D E R

Leave granted.

In this case the notice was issued on 28.01.2005 in terms of the following order :

'Issue notice to the respondents to show cause why the matter be not remanded to the High Court for hearing afresh and dealing with such other contentions raised by the petitioner which have not been dealt with by the impugned judgment.'

Mr. F.S. Nariman, learned senior counsel, Mr. S.

Chandrashekhar and Mr. A.P. Mayee, appearing on behalf of the respondents fairly submit that since similar petitions (Writ Petition Nos.3528/2001 and 5520/2003) filed by the Teachers (Members of the Pune University Teachers Association) Respondent No.6 herein College viz.

Padmashri Dr. Vithalrao Vikhe Patil, College of Engineering had already

been entertained by the Aurangabad Bench of High Court of Bombay

within whose jurisdiction Respondent No.6 College is located, the appeal

be allowed and the matter be remanded back to be dealt with afresh by the

Aurangabad Bench of High Court, with liberty to Respondent No.6 herein

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to file a detailed counter-affidavit placed on record steps taken to remove

deficiency and all subsequent events including approval of the Colleges for

the years 2005-2006 and 2006-2007 by the All India Council for Technical

Education.

Learned counsel for the appellant submits that since the matter

will now be remanded back to the file of the High Court to be heard and

disposed of on merits the same be done with the directions that the

contentions of the appellant shall be remained open before the High Court.

The appeal is allowed in the above terms. We clarify that all

the contentions of both the parties are open before the High Court.

Considering the fact that the matter has been pending for quite long t  
he

High Court may dispose of the matter as expeditiously as possible.

.....J.

( H.K. SEMA )

.....J.

( LOKESHWAR SINGH PANTA )

NEW DELHI,  
APRIL 02, 2007.

ITEM NO.36 COURT NO.6 SECTION IX

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

Petition(s) for Special Leave to Appeal (Civil) No(s).1085/2005

(From the judgement and order dated 07/09/2004 in WP No. 3839/2004 of The  
HIGH COURT OF BOMBAY)

PUNE UNIVERSITY TEACHERS' ASSOCIATION Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With prayer for interim relief and office report )

Date: 02/04/2007 This Petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Vinay Navare, Adv.  
Mr. Naresh Kumar, Adv.

For Respondent(s)

Mr. F.S. Nariman, Sr. Adv.  
Mr. Shivaji M. Jadhav, Adv.  
Mr. Himanshu Gupta, Adv.  
Mr. Brij Kishor Sah, Adv.  
Mr. Rahul Joshi, Adv.  
  
Mr. S. Chandra Shekhar, Adv.  
  
Mr. A.P. Mayee, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order. It is clarified that all the contentions of both the parties are open before the High Court. Considering the fact that the matter has been pending for quite long the High Court may dispose of the matter as expeditiously as possible.

(PAWAN KUMAR)  
ND SINGH)

(ANA

COURT MASTER

COURT MASTER

(signed order is placed on the file)