

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).24625/2013

(From the judgement and order dated 15/07/2013 in WP No.3714/2013 of The HIGH COURT OF BOMBAY BENCH AT NAGPUR)

INDIRA BAHUUDDESHIYA S. SANSTHA & ANR.

Petitioner(s)

VERSUS

DIRECTORATE OF TECHNICAL EDUCATION

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, exemption from filing O.T., permission to place addl. documents on record, impleadment and prayer for interim relief)

Date: 02/08/2013 This Petition was called on for hearing today
in the Mentioning List.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Manish Pitale, Adv. for
Mr. Ravindra Keshavrao Adsure, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Taken on board.

I.A. No. 4 of 2013 for impleadment is granted.

Amended cause-title shall be filed within three days.

Mr. Manish Pitale, learned counsel for the petitioners submits that the Directorate of Technical Education, Maharashtra State (for short "Directorate") by its communication dated 10.7.2013 intimated six institutions that admissions cannot be granted in Diploma in Pharmacy, 2nd Shift Course of their institutions. Of these six institutions, three institutions namely; K.B.H.S.S. Trust, Aldel Education Trust and Shikshan & Krushi Vikas Pratishthan, Medshingi filed three Writ Petitions before the Bombay High Court at Bombay while the petitioner filed a Writ Petition before the Bombay High Court, Nagpur Bench at Nagpur. By the impugned order, the petitioners' Writ Petition has been dismissed. On the other hand, in the Writ Petitions filed by the above three institutions, the Bombay High Court at Bombay after hearing the learned counsel for the petitioners and the Assistant Government Pleader passed an ad-interim order in the following terms:

"We direct the second, third and fourth respondents to permit the petitioners to admit the students through the Centralised Admission Process (CAP) rounds to the course of Diploma in Pharmacy which is to be conducted in the 2nd shift. We make it clear that admission granted to the students shall be provisional. We also make it clear that no equity shall be created in favour of the students by virtue of grant of such provisional admission which is

liable to be cancelled."

From the above, it appears that concerning the order dated 10.7.2013 passed by the Directorate, three institutions, who have filed Writ Petitions before the Bombay High Court at Bombay, have been granted ad-interim relief and their Writ Petitions are pending. Inconsistent orders by the same High Court relating to same controversy is not proper.

In view of the above, let notice be issued to the respondents returnable in eight weeks.

Dasti, in addition to the ordinary process.

In the meanwhile, the interim order, quoted above, which is operative in Writ Petition Nos. 6214, 6215 and 6276 of 2013 dated 16.7.2013 shall also be operative in respect of petitioners' institution.

|(Pardeep Kumar)
|Court Master

| |(Renu Diwan)
| |Court Master

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