

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5871 OF 2012

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.K.M.Nagarkar, advocate for the petitioner.
 Mr.K.M.Suryawanshi, Asstt. Govt. Pleader for the State.
 Mr.A.R.Joshi, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA &
 V.K.JADHAV, JJ.**
Date : 15.07.2015.

PER COURT :

1. Heard.
2. Mr.Nagarkar, learned counsel for the petitioner states that pursuant to the advertisement, the petitioner had submitted its proposal for starting new Arts, Commerce and Science Senior College at Shevgaon. The same was for the academic year 2012-13. The learned counsel for the petitioner submits that the proposal of the petitioner was complete in all respects. In fact, there was no deficiency. The petitioner is running the Educational Institution since the year 1950. The petitioner has 11th and 12th standard and adequate strength of students i.e. 275 students are taking education

in the 11th and 12th standard of the petitioner institution. The learned counsel submits that though the letter is shown to have been dispatched by the University asking the petitioner to remain present for hearing on 24.4.2015, the said letter is received by the petitioner on 30.4.2015, as such the petitioner could not remain present for the hearing. The learned counsel submits that the permission is granted to one Janata Shikshan Prasarak Mandal which is at a distance of 25 Kms. From the petitioner's institution. The students of Shevgaon region would face hardship in attending the College run by said Janata Shikshan Prasarak Mandal, which is at a distance of 25 Kms.

3. Learned counsel further submits that the petitioner may submit a fresh proposal for starting Arts Science and Commerce College.

4. The affidavit-in-reply is filed by the University stating that the case of the petitioner was not recommended. Four proposals were received for starting Arts, Commerce and Science College in Shevgaon Taluka. Expert Committee has evaluated the said proposals and it was found that Janata Shikshan Prasarak Mandal has got highest marks i.e. 137. The case of Janata Shikshan Prasarak Mandal was recommended with first preference. The proposal of petitioner was not recommended as per marks given by the Expert Committee. On evaluation, the petitioner received the

least marks i.e. 48. At serial No.2 was Trimurti Pavan Pratishtan, Newasa. At serial No.3 was Nav Maharashtra Shikshan Mandal, Shevgaon, with 71 marks and the petitioner's proposal was given 48 marks.

5. This Court would not sit in appeal over the evaluation made by the Expert Committee. Moreover, the permission is already granted in the year 2012 in favour of Janata Shikshan Prasarak Mandal. The said institution is not party to the present Petition.

6. Considering the aforesaid conspectus of the matter, the case put forth by the petitioner can not be considered.

7. In case fresh advertisement is issued by the University calling for proposals, the petitioner may apply pursuant to the same, naturally would be considered on its own merits.

8. The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.15.07.2015.
asp/office/wp5871.12

