IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6912 OF 2015

Maharudra Bappa Mote Shikshan
Prasarak Bahuuddeshiya Sanstha
At Eat Ta. Bhoom, District Osmanabad,
Through its Secretary,
Dr. Prof. Appasaheb Bhausaheb Humbe
Age: 56 Years, Occup.: Social Work
R/o. Bhoom, Ta. Bhoom,
District Osmanabad. **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through its Secretary,
Higher Technical Education Department,
Mantralaya, Mumbai – 32.

2] The Director of Higher Technical
Education, Maharashtra State,
Pune

3] Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar **RESPONDENTS**

...

Mr. V.D.Sapkal, Advocate for the Petitioner.
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2
Mr. K.U. More, Advocate for the Respondent No.3.

...

WITH

WRIT PETITION NO. 7260 OF 2015

Marathwada Shikshan Prasarak
Mandal, Aurangabad,

Through its Secretary,
Shri Satish s/o Bhanudasrao Chavan **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Higher and Technical Education
Department, Government of Maharashtra
Mantralaya, Mumbai – 32.

2] The Joint Director,
Higher and Technical Education
Department, Aurangabad **RESPONDENTS**

...

Mr. N.B.Khandare, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2

...

WITH

WRIT PETITION NO.7294 OF 2015

Rajrashi Shahu Shikshan Sanstha,
Sillod, Tq. Sillod, Dist. Aurangabad,
Through Secretary,
Dr. Rahul s/o. Prabhakarrao Palodkar **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Higher and Technical Education
Department, Government of Maharashtra
Mantralaya, Mumbai – 32.

2] The Joint Director,
Higher and Technical Education
Department, Aurangabad **RESPONDENTS**

...

Mr. N.B.Khandare, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2.

...

WITH

WRIT PETITION NO.7295 OF 2015

Marathwada Shikshan Prasarak
Mandal, Aurangabad,
Through its Secretary,
Shri Satish s/o Bhanudasrao Chavan **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Higher and Technical Education
Department, Government of Maharashtra
Mantralaya, Mumbai – 32.

2] The Joint Director,
Higher and Technical Education
Department, Aurangabad **RESPONDENTS**

...

Mr. N.B.Khandare, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2.

...

WITH

WRIT PETITION NO.6913 OF 2015

Rajkunwar Bahu-Uddeshiy Sevabhavi
Sanstha, Jalna
DG-1, Parvati Apartment, Basement,
MSEB Road, Mastgad, Jalna,
Tq. Jalna, Dist. Jalgaon
through its Chairman,
Mr. Bhagwansing Dobhal **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Department of Higher & Technical
Education, Mantralaya, Mumbai

2] Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar **RESPONDENTS**

...

Mr. B.L.Sagar Killarikar, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State.
Mr. K.U. More, Advocate for the Respondent No.2.

...

WITH

WRIT PETITION NO.8365 OF 2015

Jijamata Mahila Vikas & Shikshan
Sanstha, Jafrabad,
Tq.Jafrabad, Dist. Jalna,
Through its President
Mrs. Surekha Sanjay Lahane **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Department of Higher & Technical
Education, Mantralaya, Mumbai

2] Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar **RESPONDENTS**

...

Mr. B.L.Sagar Killarikar, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State.
Mr. K.U. More, Advocate for the Respondent No.2.

WITH

WRIT PETITION NO.8168 OF 2015

Dnyanjoti Shikshan Prasarak Mandal,
Deglur, Dist. Nanded
'Parivruja', Plot No.16, Mahakarunik Nagar,
Ambedkar Chowk, Wasarni, Nanded,
Tq. & Dist. Nanded,
Through its Secretary,
Prof.Dr.Panchsheel Keshavrao
Ekambikar **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Department of Higher & Technical
Education, Mantralaya, Mumbai

2] Swami Ramanand Teerth Marathwada
University, Nanded,
'Dnyan-Teerth', Vishnupuri, Nanded,
Through its Registrar. **RESPONDENTS**

...

Mr. B.L.Sagar Killarikar, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State
Mr. U.S.Malte, Advocate for Respondent No.2.

...

WITH

WRIT PETITION NO.7870 OF 2015

Deogiri Pratishthan, Shahu Nagar, Beed
'Tulsi Priya Building', Sahayog Nagar [East],
Behind Sharda Nagari, Beed,
Tq. Beed, Dist. Beed,
Through its President,
Mr. Pradeep Rode **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Department of Higher & Technical
Education, Mantralaya, Mumbai

2] Shreemati Nathibai Damodar Thackersey
University, Mumbai
01, Nathibai Thackersey Road,
Churchgate, Mumbai
Through its Registrar **RESPONDENTS**

...

Mr. B.L.Sagar Killarikar, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State.
Mrs. Vaishali Jadhav, Advocate for the Respondent No.2.

...

WITH

WRIT PETITION NO.7383 OF 2015

Deogiri Pratishthan, Shahu Nagar, Beed,
Tq.Beed, Dist. Beed,
Through its Secretary / President
Mr. Pradeep Laxmanrao Rode. **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Department of Higher & Technical
Education, Mantralaya, Mumbai

2] Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar **RESPONDENTS**

...

Mr. B.L.Sagar Killarikar, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State.
Mr. K.U. More, Advocate for Respondent no.2.

...

WITH

WRIT PETITION NO.7376 OF 2015

Deogiri Pratishthan, Shahu Nagar, Beed,
Tq. Beed, Dist. Beed,
Through its Secretary / President,
Mr. Pradeep Rode. **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Department of Higher & Technical
Education, Mantralaya, Mumbai

2] Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar **RESPONDENTS**

...

Mr. B.L.Sagar Killarikar, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State.
Mr. Mr. K.U. More, Advocate for the Respondent No.2.

...

WITH

WRIT PETITION NO.10323 OF 2015

Yashvant Shikshan Prasarak Mandal,
Selu, Tq. Selu, Dist. Parbhani,
Through its President,
Mukesh s/o. Haribhau Borade,
Age: 54 Years, Occu. : Agril.,
R/o. Shastri Nagar, Selu,
Tq. Selu, Dist. Parbhani **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai

2] The Joint Director,
Higher and Technical Education,
Nanded Region, Nanded

3] Swami Ramanand Teerth Marathwada
University, Nanded, Dist. Nanded,
Through its Registrar **RESPONDENTS**

...

Mr. Hanmant V. Patil, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2
Mr. U.S.Malte, Advocate for the Respondent No.3.

...

WITH

WRIT PETITION NO.8360 OF 2015

Abhivan Gramin Vikas Bahuuddeshiya
Sevabhavi Sanstha, Shivankhed,
Tq. Chakur, Dist. Latur,
Through its President,
Datta s/o. Omprakash Sake,
Age: 38 Years, Occu.: Agril.,
R/o. Shivankhed, Tq. Chakur,
Dist. Latur. **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through the Secretary,
Higher and Technical Education

Department, Mantralaya,
Mumbai

2] The Deputy Director,
Higher and Technical Education,
Latur Region, Latur

3] Swami Ramanand Teerth Marathwada
University, Nanded, Dist. Nanded,
Through its Registrar **RESPONDENTS**

...

Mr. Hanmant V. Patil, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2
Mr. U.S.Malte, Advocate for the Respondent No.3.

...

WITH

WRIT PETITION NO.8252 OF 2015

Ashwamedh Arts and Commerce Nigh College,
Ahmednagar,
Through its Secretary,
Rajendra Digambar Ghodake
Age: 42 Years, Occ: Business,
R/o. Lal Taki Road, Near Adhyapak Balak Ashram,
Ashwamedh Shaikshanik Sankul,
At Post Sawedi, Tq. Dist. Ahmednagar **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through its Secretary,
Department of Higher Education,
Mantralaya, Mumbai

2] The Registrar,
Savitribai Phule Pune University,
Pune

3] The Director [Higher Education],
Central Building, Pune

4] Joint Director [Higher Education],
17 Ambedkar Road, Camp Pune. **RESPONDENTS**

...

Mr. Anandsingh S. Bayas, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent/State.
Mr. A.R.Joshi, Advocate for the Respondent No.2.

...

WITH

WRIT PETITION NO.7891 OF 2015

Rashtriya Charitable Trust,
Through its Secretary,
Nitin s/o. Suresh Patil,
Age 47 years, Occ : Business,
R/o. 25, "Parvati", Samarth
Nagar, Aurangabad. **PETITIONER**

VERSUS

1] The State of Maharashtra
Through its Secretary,
Higher and Technical Education
Department, Government of
Maharashtra, Mantralaya
Mumbai – 32.

2] The Joint Director,
Higher and Technical Education
Department, Aurangabad

3] The Vice Chancellor,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad. **RESPONDENTS**

...

Mr. Amol N. Kakade, Advocate for the Petitioner
Mr. V.J. Dixit, Senior Counsel i/b Mr. S.Y.Mahajan, Advocate for the Respondent Nos.1 and 2.
Mr. K.U. More, Advocate for the Respondent No.3.

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CORAM : S.S. SHINDE &
A.M.BADAR, JJ.
Date of Judgment: 27/10/2015

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JUDGMENT (S.S. SHINDE, J) :

Rule. Rule made returnable forthwith. By consent of the learned counsel appearing for the parties, heard finally.

2. There is consensus amongst the learned counsel appearing for the petitioners, in whose favour the Letter of Intent is already issued, that, all the issues raised in this petitions on facts as well as on law, in similar set of facts, have been minutely considered and squarely answered by the Principal Seat of Bombay High Court in the case of Habib Educational & Welfare Society's M.S. College of Law V/s The State of Maharashtra and others in Writ Petition No. 6002 of

2015 decided on 8th September, 2015, and the High Court of Bombay, bench of Aurangabad in the case of Vishal Shkishan Prasarak Mandal, Dhule V/s The State of Maharashtra and others in Writ Petition No. 5805 of 2015 decided on 12th October, 2015. The learned counsel invited our attention to paras 18 to 21 of the said judgment and submits that, for the same reasons, which are assigned in the said paragraphs, the Petitions deserve to be allowed.

3. The learned counsel appearing for the petitioners jointly submits that, once the State Government takes decision under section 82 of the Maharashtra Universities Act, 1994 and depending upon said decision, the Respondent University may be directed to forthwith take appropriate action u/sec. 83 of the Maharashtra Universities Act, 1994, and consider granting necessary affiliation to the petitioners new Colleges in accordance with law.

4. The learned senior counsel appearing for the Respondent-State invited our attention to the averments in the affidavit in reply and also the provisions of Section 82 of the Maharashtra Universities Act, 1994. He submits that, in the light of judgments of the Division Benches of this Court, of which reference is already made hereinbefore, this Court may pass appropriate orders.

5. We have heard the learned counsel appearing for the petitioners and the learned Senior Counsel and also learned A.G.P. appearing for the Respondent – State. With their able assistance, we have carefully perused the judgment delivered at Principal Seat of Bombay High Court in the case of Habib Educational & Welfare Society's M.S. College of Law (supra) and the judgment of the Division Bench of Bombay High Court bench at Aurangabad, in the case of Vishal Shkishan Prasarak Mandal, Dhule (Supra). In our opinion, and as rightly contended by the learned

counsel appearing for the petitioners, all the issues/controversy on similar set of facts and law, like raised in present Petitions, has been gone into in detail and same is answered by the judgment of the Division Bench in the case of Vishal (supra). The paras 18 to 21 of the said judgment read thus :-

> "18) Section 82(1) of the Act of 1994 mandates preparation of the perspective plan by the university and approval for the said plan by the State Council for Higher Education. In the event, the perspective plan has not yet been approved by the State Council for Higher Education, We direct the State to ensure sanction of the perspective plan by the State Council for Higher Education, as expeditiously as possible and preferably within a period of eight weeks from today. It would, however, be open for the State Council for Higher Education to consider the perspective plan prepared and forwarded by the North Maharashtra University during the academic year 2012-2013 and yearly plans within the contemplation of Section 82(1) of the

Act of 1994, presented during each of the academic years within time frame, stipulated as above.

19) In this view of the matter, we direct the State Government to consider the proposal of the petitioner institution for the academic year 2016-2017 for the reason that the time frame, prescribed under the GR dated 30th October, 2010 as well as the provisions contained in Section 82 of the Act of 1994, has come to an end.

20) We have issued directions to the State Government to consider the application tendered by the petitioner/institution in the context of letter of intent, already issued to the petitioner for opening a new college during the academic year 2016-2017.

21) The State is expected to take a decision in the matter in accordance with and subject to approval to the perspective plan by the State Council for Higher Education."

6. In the light of discussion in foregoing

paragraphs, for the same reasons assigned in the case of Habib (supra) and Vishal (supra), we direct as follows:-

(i) The State Government to consider the proposals of the respective petitioners - institutions for the academic year 2016-2017 for the reason that the time frame, prescribed under the GR dated 30th October, 2010 as well as the provisions contained in Section 82 of the Act of 1994, has come to an end.

(ii) We have issued directions to the State Government to consider the applications tendered by the petitioners/institutions in the context of Letter of Intent, already issued to the petitioners for opening a new college during the academic year 2016-2017.

(iii) The State is expected to take a decision in the matters in accordance with and subject to approval to the perspective plan by the State Council for Higher Education.

7. Once the State Government takes decision under section 82 of the Maharashtra Universities Act, 1994, depending upon said decision, the Respondent – University to take appropriate action under Section 83 of the Maharashtra Universities Act, 1994, and consider granting necessary affiliation to the petitioners new courses, as per the Letter of Intent issued, in accordance with law.

8. Rule accordingly made absolute in above terms. There shall be no order as to costs.

Sd/- Sd/-

(**A.M.BADAR, J.**) (**S.S. SHINDE, J.**)

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SGA/-