

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7813 OF 2012**Anjuman Ishat-E-Taleem, Jalna Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Vivek Dhage, advocate for the Petitioner.
 Mr.K.J.Ghute Patil, Asstt. Govt. Pleader for the State.
 Mr.K.M.Suryawanshi, advocate for Respondent Nos.3 to 5.

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

Date : 29.06.2015.

PER COURT :

1. Heard.
2. The petitioner seeks directions against the Respondents to consider the proposal of the petitioner for opening Senior College of Arts for Women, Jalna, submitted by the University authorities to the Government with negative recommendations.
3. At the out-set we place on record our displeasure against the Respondent No.3 for the manner in which it has conducted the present matter. Initially the notice before admission was issued.

The Respondent Nos.3 and 4 though served, remained absent. Thereafter notice of final disposal was issued to these Respondents. Even after service of notice of final disposal, these Respondents remained absent. Thereafter, the Respondent Nos.3 and 4 appointed Mr.Suryawanshi, learned counsel. On 7.5.2015, this Court had observed that inspite of sufficient time granted to Respondent No.4 University, no material is placed on record in support of decision of the University showing the reasons why the petitioner's proposal is not favourably recommended. Vide the said order, this Court directed the Registrar of the University to appear before this Court on 8.6.2015. On 8.6.2015, the Registrar appeared along with record. The learned counsel for Respondent Nos.3 and 4 perused the record and it is stated that no reasons are recorded while giving negative recommendation. It was submitted that in the Master plan Women Arts College is mentioned and Women Urdu College is not mentioned and the proposal of the petitioner was to open Women's Arts College in Urdu. This Court asked the learned counsel for Respondents as to whether Women's Arts College is reserved either for English Medium, Marathi Medium or any other Medium, the answer was that it is not reserved for any particular medium. Thereafter, the University was directed to state on affidavit when as per Master Plan, Women's Arts College is included then whether Women's Arts College in Urdu Medium

would not be permissible or whether it can be restricted to any particular medium. The order was passed in presence of the Registrar of the University. The matter was adjourned to 15.6.2015. On 15.6.2015, time was sought by the learned counsel for the University. The matter was adjourned for two weeks. Today also when the matter is taken up for hearing, the learned counsel for the University states that he has not received any further instructions from the University. The University is an autonomous body. Specific directions are given to the University seeking explanation upon a particular aspect, the University is not responding. The attitude of the concerned Officers of the University is callous and negligent. They do not have any sanctity to the proceedings in the Court. Without the proper assistance of the University, the matter is required to be decided.

4. At the first place, the order of the University is without assigning any reasons. No reasons are given by the Management Council as to why the petitioner's proposal is not recommended, more particularly, when the Expert Committee has recommended the proposal. It is not disputed that in the Master Plan, the Women's Arts College finds place. The petitioner seeks to open Women's Arts College in Urdu medium. In the Master Plan, the Women's Arts College is not reserved for a particular medium. The proposal was for the year 2012-13. On the said negative

recommendation made by the University U/s 82 of the Maharashtra Universities Act, the Government ought to have taken decision on its own merits. It is submitted by the learned counsel for the petitioner that in the vicinity of 15 Kms., there is no other Women's Arts College.

5. Considering the peculiar facts of the case, we direct the University to forward the proposal to the Government within a period of four (4) weeks from today. The Government on receipt of the said proposal, shall take decision on the same within a further period of three (3) months. Naturally, the said proposal will be considered for the academic year 2016-17, considering the position as existing.

6. The copy of this order be also sent to the Respondent Nos.3 and 4.

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

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.29.06.2015.
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