

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5480 OF 2015

Ekta Shikshan Prasarak Mandal Georai **Petitioner(s)**
V/s

The State of Maharashtra
Through Secretary & Anr. **Respondents**

Mr. Subhash V. Gutte for Petitioner.
Mrs. S.S. Bhende, AGP for Respondent No.1 State.
Mr. Rajendra Anbhule for Respondent No.2 University..

CORAM : ANOOP V. MOHTA &
A.A. SAYED, JJ.

DATED : 8 SEPTEMBER 2015

ORDER:

1 Rule, returnable forthwith. Heard finally by consent of the parties.

2 The Petitioner is a religious minority registered Trust and imparting education accordingly in their respective institution/colleges with necessary permission of the affiliation from the respective authorities since 2013-2014. As per the natural growth for the year 2015-2016 next TYBA is required to be started. The Petitioners applied accordingly. Considering the need of the students and their choice of the special subjects, they have applied for approval for starting additional special subjects (Marathi, Hindi and History) for S.Y.B.A. students for the year

2015-2016. The Expert Committee of University on 18 February 2015 inspected and recommended the Petitioners' case as all the necessary infrastructure, qualified staff including teaching and non-teaching are available. On 28 April 2015 the University therefore forwarded the Petitioners' proposal to the State for grant of permission to start special subjects for S.Y.B.A. for 2015-2016. However, in view of the State Circular/Resolution dated 29 April 2015 the State has not taken decision on individual Application of the Petitioners. The University therefore by letter dated 7 May 2015 communicated the decision of the State to the Petitioners referring to the said Resolutions. Therefore, present Petition filed on 17 June 2015.

3 The Petitioners, in view of the recommendation given by the University, have already admitted the students who have already deposited the requisite fees for the above special subjects to the University.

4 This Court in **Writ Petition No.6002 of 2015 (Habib Educational & Welfare Society's M.S. College of Law vs. The State of Maharashtra & Ors.)**, in the Petition of other minority institutions has dealt with the said Government Resolution dated 29 April 2015 and related Government Resolution dated 20 July 2015 referring to sections 82 to 85 of the Maharashtra Universities Act, 1994. Learned Counsel

appearing for the parties conceded to the situation that the said judgment is applicable to the present facts and circumstances and for the same reasons similar relief can be granted to the Petitioners. Therefore, in view of the same reasons, we are inclined to pass the following order:

ORDER

- i) It is hereby directed to Respondent No.1 State to forthwith consider the Petitioners' Application, in accordance with law, for starting a new special subjects (Marathi, Hindi and History) for S.Y.B.A. in their existing Degree College for the academic year 2015-16, without taking into consideration the Government Resolutions dated 29 April 2015 and 20 July 2015 issued by Respondent No.1 – State.
- ii) It is hereby further directed to Respondent No.2 University to consider granting necessary affiliation to the Petitioners in accordance with law.
- iii) Rule made absolute accordingly. There shall be no order as to costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

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CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.