

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 7278 OF 2014**

The Royal Educational Society

....Petitioner.

Vs.

State of Maharashtra & Anr.

....Respondents.

Mr. Saeed Akhtar a/w Mr. Khushnood Akhtar with Mr. Hitesh Thorat i/by  
Mr. Rohan Ansari for the Petitioner.

Ms. S.S. Bhende, AGP for the Respondent No.1.

Mr. Rui Rodrigues for the Respondent No.2.

**CORAM : SMT. VASANTI A. NAIK AND  
C.V. BHADANG, JJ.**

**DATE : 21<sup>st</sup> JANUARY 2015.**

**P.C.:-**

By this Petition, the Petitioner challenges the communications of the University dated 29.5.2014 and 30.6.2014, refusing permission to the Petitioner to start a new college for boys at Borli Panchatan. According to the Petitioner, the Respondent-University was not justified in rejecting the permission to the Petitioner to start a new college.

Shri Rodrigues, the learned counsel for the University states that permission has been declined to the Petitioner for starting the new courses of B.Com., (Investment Management), B.A. (Human Sciences), B.Sc.(Inter-Diciplinary), as the Petitioner does not have a separate building for starting the new courses and only the ground floor of a building, which

is under construction, is complete. It is stated that the Petitioner had not submitted the audit statement and the Petitioner also does not have the Accreditation Certificate of the NAAC.

On the other hand, it is submitted on behalf of the Petitioner that in the year 2010, the University did not find that the Petitioner did not have a separate building for starting the new courses and the University had recommended the case of the Petitioner for starting the new courses. It is stated that the Petitioner had removed the deficiencies and it was necessary for the Respondent-University to grant permission to the Petitioner.

On hearing the learned counsel for the parties, it appears that no case is made out by the Petitioner for interference with the impugned orders. The Expert Committee found that the Petitioner did not have a separate building for starting the three aforesaid courses and only ground floor of the building, under construction, was completed. The Petitioner had also not tendered the audit statement and the Petitioner did not possess the accreditation certificate of the NAAC. We find on a reading of Appendix XIII(A) appended to the Application Form submitted by the Petitioner in the year 2010 that the building was not complete then and the data in the Appendix XIII(A), clearly shows that after the affiliation is granted, the work of the new Boys Degree College eco- friendly building would commence. It also appears that the impugned orders are passed on an application/proposal made by the Petitioner in the year 2013 to start the

three courses that are different from the courses for which the permission was sought in the year 2010. It is not possible for this Court in the facts of the case to interfere with the impugned orders. The Petitioner is free to submit a fresh proposal to the University after removal of the deficiencies.

In the result, the Writ Petition fails and is dismissed, with no order as to costs.

**(C.V. BHADANG, J.)**

**(VASANTI A. NAIK, J.)**