

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10180 OF 2015

...
Sadhana Education Trust ...Petitioner
v/s.
State of Maharashtra & ors. ...Respondents

...
Mr.Mihir Desai, Sr.Advocate with Mr.Swaraj S. Jadhav for the Petitioner.
Mr.C.P.Yadav, AGP for State.
Mr.P.M.Palshikar for Respondent No.2.
...

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

DATED : 29 OCTOBER 2015

ORDER:

Rule. Returnable forthwith. Heard finally by consent of parties.

2. The Petitioner-Trust is a certified Linguistic Minority Institution. On 18 October 2014, an advertisement was issued by Respondent No.2-University calling for invitation for establishing new law colleges. Pursuant to the same, on 28 October 2014 the Petitioner applied for starting law college at Thane. The Petitioner also paid requisite scrutiny fee to Respondent No.2-University. Respondent No.2 by letter dated 21 August 2015 informed the Petitioner of refusal of their proposal in view of State Government's Resolution dated 29 March 2015. Feeling aggrieved by the same, the Petitioner filed the present Writ Petition.

3. Learned Counsel appearing for parties concede to the position that the issues raised in this Petition are covered by the judgment dated 8 September 2015 of this Court in Writ Petition No.6002 of 2015 (**Habib Educational & Welfare Society's v/s. The State of Maharashtra & ors.**).

4. Hence, the following order :

(i) Respondent-State to forthwith consider the Petitioner's Application for starting a new Law College (3 and 5 year courses) at Wagle Estate, Thane as provided under Section 82(5) of the Maharashtra Universities Act, without taking into consideration Government Resolution dated 29-04-2015 (Exh.H1) and Government Resolution dated 20-07-2015 issued by Respondent No.1 in accordance with law.

(ii) Respondent-University to forthwith take appropriate action u/s 83 of the Maharashtra Universities Act, 1994 and consider granting necessary affiliation to the Petitioner's new Law College (3 and 5 year courses) at Wagle Estate, Thane in accordance with law.

(iii) Rule made absolute accordingly. No costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA J.)