

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.102 OF 2015

Arpan Shishan Shantha .. Petitioner.
V/s
The State of Maharashtra and ors. .. Respondents.

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Mr. Swapnil Patankar i/b J.P. Legal Associates, for petitioner.
Mr. Vikas Mali, AGP, for respondent No.1.

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**CORAM : SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG**
DATE : FEBRUARY 05, 2015

P.C.

By this petition, the petitioner seeks a direction to the respondent No.1 to decide the proposal of the petitioner dated 30th April, 2013 for establishing a new College of Arts, Commerce and Science at Talyachi Wadi, Khodala, Taluka Mokhada, District Thane.

It appears that the petitioner had made the necessary application through the University for grant of approval for opening a new College of Arts, Commerce and Science in Thane District in the Academic Session 2013-2014. The University had recommended the case of the petitioner to the State Government. The State Government, however, did not take any action in the matter and it is

the case of the petitioner that the application of the petitioner was not decided. The petitioner, therefore, has sought a direction to the State Government to decide the application of the petitioner.

The relief sought by the petitioner cannot be granted. The application was made by the petitioner in the year 2012 for opening a new College of Arts, Commerce and Science in the Academic Session 2013-2014. If the proposal sent through the University was not decided by the State Government before commencement of the Academic Session 2013-2014, it was necessary for the petitioner to have approached this Court for seeking the relief that is sought in this petition. The petitioner, however, did not file any such proceeding and merely made representations to the State Government. Under Section 89 of Maharashtra Universities Act, an application has to be made in the month of October of the previous year for permission to start a new College in the next Academic Year. The application made by the petitioner in 2012 for starting a new College in the Year 2013-2014 cannot be decided by the State Government at this stage, as the Academic Session 2015-2016 would start within a few months. So also, it would be necessary for the University to again consider whether the petitioner possesses the requisite infrastructure and

other facilities.

We, therefore, dispose of the petition, with liberty to the petitioner to apply afresh in accordance with the provisions of Section 89 of the Act.

No costs.

[C.V. BHADANG, J.]

[VASANTI A. NAIK, J.]