

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 1030 of 2015

(Chintamani Shikshan Prasarak Mandal, Ballarpur, Tah. Ballarpur, Dist. Chandrapur through its Secretary Shri S. V. Dontulwar and anr. Vs. The State of Mah. through its Secretary, Dept. of Higher and Tech. Education and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri Atul Pande, Advocate for the petitioners
Shri N. Rao, AGP for the respondent no. 1
Shri B. G. Kulkarni, Advocate for the respondent no. 2
Shri K. V. Deshmukh, Advocate for the respondent no. 3

**CORAM : Smt. Vasanti A. Naik and
Prasanna B. Varale, JJ.**

DATE : 8-12-2015.

Heard.

By this petition, the petitioners impugn the order of the State Government, dated 9-9-2014 permitting the respondent no. 3 to open a women's college in Ghughus.

The order of the State Government is challenged by the petitioners on two grounds. According to the petitioners, though the impugned order permitting the respondent no. 3 to open a college is passed on 9-9-2014, the same appears to be passed on an old application filed by the respondent no. 3 for opening of new college from the academic year 2013-14. It is stated that Section 82 of the Maharashtra Universities Act is not complied with while seeking permission to open a women's college, though this Court had by the order dated 18-3-2014 in Writ Petition No. 1231/2014 asked the respondent

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no. 3 to submit a fresh application to the University for permission to start a new college. It is stated that the impugned order is liable to be set aside as in the perspective plan, there is no provision for opening of the new college in Ghughus.

On hearing the learned counsel for the parties and on a perusal of the order dated 18-3-2014 in Writ Petition No. 1231/2014, it appears that there is no merit in the writ petition and the relief sought by the petitioner cannot be granted. The petitioner – society runs a co-education college whereas the college of the respondent no. 3 is meant exclusively for women. According to the perspective plan, a college exclusively meant for women or minority could be opened anywhere in the urban or rural areas. The submission made on behalf of the petitioners that since Ghughus was not included in the perspective plan and the grant of permission to the respondent no. 3 to open a college at Ghughus is illegal is liable to be rejected.

So also, on a reading of the order dated 18-3-2014 in Writ Petition No. 1231/2014, we find that this Court had not directed the respondent no. 3 to file a fresh application for permission to open a women's college in Ghughus. Since this Court found that there was some misunderstanding in respect of the earlier application being incomplete, the respondent no. 3 was permitted to submit a fresh application by way of abundant precaution. It appears that this Court had not directed the

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respondent no. 3 to file a fresh application and from the tenor of the order, it could be gathered that the application made by the respondent no. 3 could have also been considered by the State Government as it was the case of the respondent no. 3 in the said writ petition that the application of the petitioner was not considered by the State Government on merits.

Since we do not find any merit in both the submissions made on behalf of the petitioner, we dismiss the writ petition with no order as to costs.

JUDGE

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