

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2692 OF 2014

[Rayat Bahu-Uddeshiya Shikshan Sanstha .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri Anand Parchure, counsel for the petitioner,
Ms. T.H. Udeshi, AGP for the respondent nos.1 and 2,
Shri B.G. Kulkarni, counsel for the respondent no.3.

.....

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATED : JULY 06, 2015.

By this petition, the petitioner-society impugns the order of the respondent no.1-State of Maharashtra, dated 6.5.2014, as also the order of the respondent no.3-Gondwana University, dated 21.5.2014, directing the petitioner not to admit any students in the Arts, Science and Commerce college run by the petitioner-society from the academic session 2014-15.

In pursuance of the master plan, the petitioner had applied for permission to start an Arts, Science and Commerce college in Bramhapuri on 19.5.2012. The University recommended the case of the petitioner and the petitioner was permitted to start the college from the academic session 2012-13. The petitioner-society appointed the staff, admitted the students and started the college since the year 2012-13. The college was functioning for a period of nearly three years, when, by the impugned communications, the petitioner was directed not to admit any students in the said college from the academic session 2014-15.

Inter alia, the petitioner has impugned the orders of

the State Government and the Gondwana University on the ground that they are cryptic and the petitioner was not granted a fair opportunity before the orders were passed. It is submitted that no reasons are recorded in both the impugned orders and the petitioner was also not afforded an opportunity before the permission was cancelled. It is stated that it was necessary for the respondents to have at least issued a show cause notice to the petitioner before directing the petitioner to discontinue the college.

We find, on hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply tendered on behalf of the respondent nos.1 and 2 in the court today, that the petitioner was not granted an opportunity before the permission granted in favour of the petitioner to run the college in the year 2012, was cancelled. We do not find anything in the affidavit-in-reply to show that the petitioner was served with a show cause notice or heard before the cancellation of the permission. Also, we find that the orders of the State Government and the respondent no.3 are cryptic and they do not record any reasons for cancelling the permission.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned communications are quashed and set aside. If the respondents contemplate action against the petitioner, they are free to do so in accordance with law. Order accordingly. No costs.

JUDGE

JUDGE