

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

WRIT PETITION NO. 5053 OF 2013.

Shri Vardhaman Jain Education & Research M. Foundation, Buldhana &
another .vs. The State of Maharashtra & others

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

Mr. D.I. Jain, Advocate for petitioners,
Ms. T. Khan, Asstt. Government Pleader for respondent nos. 1 & 2,
Mr. P.B. Patil, Advocate for respondent nos. 3 & 4.

CORAM : B.P. DHARMADHIKARI & S.B. SHUKRE, JJ.

DATED : MARCH 30, 2015.

Heard.

Mr. D.I. Jain, learned Advocate for petitioners, by inviting attention to the Government policy submits that grants could not have been extended to respondent nos. 3 & 4 as Criminal Cases are pending.

Learned A.G.P. for respondent nos. 1 & 2 as also Mr. Patil, learned Advocate for respondent nos. 3 & 4 submit that as per policy of Government to extend grants to at least one college in each Tahsil, all proposals were duly examined and respondent no.4 college managed by respondent no.3 has been found eligible. The learned A.G.P. submits that this contention about criminal cases was never raised before State Government at any point of time and did not figure in any representation. She also points out that this fact has been brought before this Court in rejoinder filed by petitioners for the first time.

Mr. P.B. Patil, learned Advocate without prejudice to his

contention that cases are bogus, submits that on all relevant dates there were no criminal matters pending against the office bearers of society and, therefore, the subsequent filing of alleged criminal complaints is of no relevance. He opposed any intervention by this Court in such situation.

In reply, the learned Counsel for the petitioners submits that a representation pointing out the filing of criminal cases has been sent by petitioners to State Government about two days back.

In this situation, it is apparent that writ of mandamus cannot be issued for consideration of such representation. The petitioners have to wait for reasonable time for Government to act. We are, therefore, not inclined to interfere at least at this stage.

The petition is accordingly rejected. No costs.

Judge

Judge

J.