IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1772 OF 2016

PHOENIX FOUNDATION SANSTHA THROUGH ITS TREASURER AMARPASHA PATEL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. Patil Prakashsing B.
AGP for Respondent/State : Mr. V.S. Badakh
Advocate for Respondent nos. 3 and 4 : Mr. U.S. Malte
...
CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: April 20, 2016
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PER COURT :-

This Petition is filed seeking directions to the Respondents to consider the proposal submitted by the petitioner for academic year 2015-2016 by treating it to be a proposal submitted for the academic year 2016-2017 without asking the petitioner to submit the fresh proposal with fresh deposits.

2. The learned counsel appearing for the petitioner submits that, the petitioner submitted proposal for opening new College

for the academic year 2015-2016 at Kasar Shirsi, Tq. Nilanga, Dist. Latur. The said proposal was verified by Respondent No. 4 and positive recommendation was made to the State Government. However, the State Government rejected the same on the ground that, the Government has taken decision not to approve the proposals for the academic year 2015-2016. The learned counsel appearing for the petitioner submits that, in Writ Petition No.8655/2011 (Yuva Sports Club through Secretary V/s The State of Maharashtra and anr) with connected Writ Petitions, decided on 7th December, 2011 and also in Writ Petition No. 12395/2015 (Rajureshwar Shikshan Prasarak Mandal, Takli Kolate, Tq. Phulambri V/s The State of Maharashtra and others) along with connected Writ Petitions, decided on 28th December, 2015, the Division Bench of this Court has directed the Respondent – State Government to consider the proposals of the petitioners therein, like the present petitioner herein, for the academic year 2016-2017, without insisting for fresh proposal with fresh deposits. Therefore, he submits that, Respondent No.1 may be directed to consider the proposal of the petitioner for the academic year 2016-2017, keeping in

view the recommendation given by the University.

3. We have considered the submissions advanced by the learned counsel appearing for the petitioner and the learned counsel appearing for the respective respondents.

4. The learned counsel appearing for the petitioner is right in contending that, in similar set of facts, wherein the University has recommended the proposals for opening new colleges for the academic year 2014-2015 and academic year 2015-2016, this Court directed Respondent No.1 to consider the said proposals for the academic year 2016-2017. In that view of the matter, we direct Respondent No.1 to consider the proposal submitted by the petitioner for the academic year 2015-2016 to be the proposal submitted for the academic year 2016-2017, without asking the petitioner to submit the fresh proposal or fresh deposits, along with the other proposals which may be received to the respondents in pursuance of the advertisement published in daily `Lokmat' on 14th December, 2015.

5. The Petition is allowed in the above terms and same stands disposed of.

(**SANGITRAO S. PATIL, J.**) (**S.S. SHINDE, J.**)

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