

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7327 OF 2015

Deepshobha Sevabhavi Sanstha
Khandali, Reg. No.F-12910 (Latur),
A/p. Khandali, Tq. Ahmednagar,
Latur, through its Secretary,
Shri Pradip Santukrao Khomane,
Age 45 years,
Occ. Agri./Social Work,
R/o. A/p. Khandali, Tq. Ahmedpur,
Dist. Latur

..Petitioner

Vs.

1] The State of Maharashtra,
through Secretary, Department of
Higher and Technical Education,
Mantralaya, Mumbai

2] The Joint Director,
Higher and Technical Education
Department, Maharashtra State,
Pune, Dist. Pune

3] Dr.Babasaheb Ambedkar Marathwada,
University, Aurangabad

..Respondents

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Mr.Ajay Shinde, Advocate for petitioner

Mr.V.H.Dighe, AGP for respondent nos.1 and 2

Mr.S.S.Thombre, Advocate for respondent no.3

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : JUNE 22, 2016**

PER COURT :

Heard.

2] Rule. Rule made returnable forthwith. By consent of the learned Counsel appearing for the parties, the petition is heard finally.

3] It is the case of the petitioner that an advertisement was published in 'Daily Lokmat' inviting on-line proposals for new batches and new faculty in the Colleges. In pursuance of the said advertisement, the petitioner applied on 01.10.2014 for new batches and new faculty for the post graduate courses. There were some deficiencies in the proposal and the same were cured/removed by the petitioner on 02.12.2014 and the proposal was resubmitted. Respondent no.3-University favourably had recommended the said proposal. However, on 16.06.2016, the petitioner received a letter from the University that in view

of the Government Resolution dated 29.04.2015, the petitioner cannot admit the students since the State Government has decided not to grant permission or to consider the new proposals submitted for the academic year 2015-2016.

4] The learned Counsel appearing for the petitioner relies on an unreported judgment of this Court in the case of **Kai. Annasaheb Patil Shevabhavi Sanstha Vs. The State of Maharashtra and ors.** in Writ Petition No.10515 of 2015 delivered on 25.04.2016. Relying on the said judgment, the learned Counsel submits that considering the effect of the said Government Circular dated 29.04.2015, this Court, in that case, has taken a view that the proposal submitted by the petitioner therein should not have been rejected on the ground that the Government has decided not to consider any new proposal for the academic year 2015-2016. Therefore, he submits

that in this petition also, similar directions may be issued.

5] On the other hand, the learned AGP appearing for respondent nos.1 and 2, relying on the Circular dated 29.04.2015, submits that all the proposals were turned down since the State Government took a policy decision not to consider any new proposal for the academic year 2015-2016.

6] Upon hearing the learned Counsel appearing for the petitioner and the learned AGP appearing for the State and upon perusal of the documents on record and also the order passed by the Division Bench of this Court in the case of **Kai. Annasaheb Patil Shevabhavi Sanstha** (supra), we are of the opinion that without entering into the merits of the case, keep it open to the respondents/ authorities to consider the proposal submitted by the present petitioner on its own merits, along

with the other proposals which are already received or may be received for the academic year 2016-2017.

7] In that view of the matter, we direct respondent no.1 to consider the proposal submitted by the petitioner without asking the petitioner to submit the fresh proposal or make fresh deposit of the fees, along with the other proposals which are already received or may be received for the academic year 2016-2017.

8] Respondent no.1 – State Government will be at liberty to find out whether, the University has favourably recommended the proposal of the petitioner or otherwise.

9] Needless to observe that the State Government shall not reject the proposal of the petitioner on the ground that for the academic year 2015-2016,

the State Government has declined to consider any fresh proposal on the ground of the policy decision taken by the Government. The proposal of the present petitioner shall be decided on its own merits as expeditiously as possible, however, within a period of eight weeks from today and the decision be communicated to the petitioner by the respondents/authorities.

10] The Writ Petition stands disposed in the above terms. Rule made absolute accordingly.

11] The parties to act on authenticated copies of this order.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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