

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

WRIT PETITION NO.10520 OF 2015

Kai.Annasaheb Patil Shevabhavi Sanstha,
Chandegaon, Tq. & Dist. Beed,
Through its Secretary,
Ganesh s/o. Shivdas Pokale,
Age:35 Years, Occup. Business,
R/o. Ganpati Nagar, Beed,
Tq. & Dist. Beed.

PETITIONER

VERSUS

- 1] The State of Maharashtra
Through the Secretary,
Higher & Technical Education
Department, Mantralay,
Maharashtra State, Mumbai-32.
- 2] The Director of Higher Education,
Maharashtra State, Pune.
[Copy to be served on Government
Pleader, High Court of Bombay
Bench at Aurangabad]
- 3] The Registrar,
Dr.Babasaheb Ambedkar
Marathwada University,
Aurangabad

RESPONDENTS

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Mr.A.B.Hawale, Advocate for the Petitioner
Mr.S.B.Pulkundwar, AGP for Respondent Nos.1
and 2.
Mr.S.G.Chapalgaonkar, Advocate for Respondent
no.3.

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**CORAM: S.S.SHINDE &
SANGITRAO S.PATIL,JJ.**

Date: 25th April, 2016.

PER COURT:

Heard the learned counsel appearing for the petitioner, the learned AGP appearing for respondent nos.1 and 2 – State, and the learned counsel appearing for respondent no.3.

2] This Writ Petition is filed praying therein to quash and set aside the Government Resolution dated 29th April, 2015, issued by the Higher & Technical Education Department, Government of Maharashtra, Mantralaya, Mumbai. The petitioner also seeks direction to the respondents to consider the proposal of the petitioner favourably and grant affiliation to start the Women College namely Punyashlok Ahilyabai Holkar Arts, Science and Commerce Women College, Bhoom, Taluka Bhoom, District Osmanabad.

3] It is the case of the petitioner that on 30.10.2014, the petitioner society has submitted the proposal seeking affiliation to start the women College under the name and style as 'Punyashlok Ahilyabai Holkar Arts, Science and Commerce Women College at Bhoom, Taluka Bhoom, District Osmanabad. The petitioner society has submitted all necessary documents including Certificate of Registration, undertakings, plan and also deposited affiliation fees as per the advertisement and requested to grant affiliation to the College to start the women college.

4] It is further the case of the petitioner that the University has favourably recommended the proposal of the petitioner to the State Government. However, the proposal was rejected on the ground that the Government of Maharashtra, by the aforesaid Government Resolution, has taken a policy

decision not to grant permission to open new Colleges. It is submitted that this Court in Writ Petition No.7800/2015 [Chandrakala Sevabhavi Sanstha through its President Vs. The State of Maharashtra and others] along with connected Writ Petitions thereto has directed the Government to consider the proposals submitted for the academic years from 2013-2014 to 2015-2016 by treating the said proposals for the academic year 2016-2017 on its own merits and without asking the petitioner for fresh proposals or fresh deposit of fees.

5] The learned AGP appearing for the respondent – State submits that the proposal of the petitioner will be considered on its own merits keeping in view the policy of the State Government as and when the Government will consider the proposals received by it for the academic year 2016-2017.

6] Without entering into the merit and leaving open to the State to make scrutiny of the proposal in accordance with the Government policy, respondent no. 1 is directed to consider the proposal of the petitioner without asking the petitioner to submit fresh proposal or fresh deposit of fees along with the other proposals which may be received to the respondents in pursuance of the advertisement for the academic year 2016-2017. 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.

7] We have not expressed any opinion on merits of the said proposals. Writ Petition stands disposed of on the above terms.

[SANGITRAO S.PATIL]
JUDGE

[S.S.SHINDE]
JUDGE