

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 122 OF 2016
IN
WRIT PETITION NO. 6863 OF 2012

Kai. Ambumata Lome Sikshan Sasntha,
Salgara (Diwati) ...Petitioner

versus

The State of Maharashtra and others ...Respondents

.....
Mr. V.D. Salunke, advocate for the petitioner
Ms. S. S. Raut, A.G.P. for respondent Nos. 1 to 3
Mr. D.B. Thoke, advocate for respondent No. 4 and 5.
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

**Date of Reserving
the Order : 29.07.2016**

**Date of pronouncing
the Order: 18.08.2016**

ORDER (PER V.K. JADHAV, J.) :-

1. The petitioner had filed writ petition No. 6863 of 2012 seeking directions to the authorities of the State Government to grant permission to petitioner institution to run Senior college at village Salgara (Diwati). This Court, by judgment and order dated 23.09.2015, dismissed the said writ petition. The present review application is filed seeking review of order dated 23.09.2015.

2. Mr. Salunke, learned counsel for the review applicant submits that the Government has taken false stand about 17 deficiencies in the proposal submitted by the applicant. In fact, there were no deficiencies at all. The applicant has filed all documents alongwith rejoinder in the writ petition which were already filed before the authorities concerned. Even though the original record produced before the Court consisting the said documents, the same are not considered by this Court. It is also submitted that findings and the reasons in the writ petition are contrary to the record and same amounts to apparent error on the face of record. Learned counsel further submits that even the proposal submitted by respondent No.4 was incomplete in all respects and there were basic flaws in it. This court has given much importance to the fact that the applicant did not file fresh proposal as against the advertisement for the academic year 2012-13 by ignoring the fact that the proposal submitted by the applicant was not rejected till then. Resultantly, both the proposals were before the Government at the same time and the applicant's proposal was complete in all respect, whereas the proposal of respondent No.4 was incomplete. This Court has not considered that the proposal of applicant was duly recommended by the University.

3. Learned A.G.P. for respondent Nos. 1 to 3 submits that

proposal submitted by applicant was considered by the Government in the light of Government Resolutions and in spirit of Section 82(5) of Maharashtra Universities Act 1994. The applicant did not fulfill 17 requirements and therefore, the proposal was rejected. Learned A.G.P. further submits that for the academic year 2012-13, in all 151 proposals were recommended by the concerned University to the Government for consideration and after due scrutiny of the said proposals, the Government vide Government Resolution dated 15.6.2012 granted permission to said 151 institutions to start new colleges. Learned A.G.P. submits that there was no error apparent on the face of record and the order under review is legal, proper and no interference is called for.

4. Learned counsel for respondent Nos. 4 and 5 submits that review petitioner has not applied for the academic year 2012-13 as per the advertisement issued on 3.10.2011 in this regard. Learned counsel submits that the proposal submitted by respondent No.4 institution was recommended positively by the University and it is a matter of record that the proposals, which have been positively recommended, were considered by the Government. Learned counsel submits that there is no error apparent on the face of record.

5. We have considered the submissions. There cannot be any

dispute with the proposition that the review cannot be treated as an appeal in disguise and the jurisdiction of this Court in review is in very narrow compass.

6. We had disposed of writ petition on the ground that as per the norms laid down in the Government Resolution, there are total 26 points which are required to be considered while granting permission to run the college. However, after due scrutiny of proposal of applicant-institution, it was noticed that applicant did not fulfill 17 requirements out of said 26 requirements. We had also observed that looking to the nature of the deficiencies, it appears that the deficiencies as pointed out are major in nature. So far as the proposal submitted by respondent No.4 institution is concerned, the same was considered by the Government on its own merits. It is not the case that the proposal of respondent No.4 alone was considered by the Government. For the academic year 2012-13 in all total 151 proposals were recommended by the concerned University for consideration of Government and the Government has given sanction to those proposals. We had also observed that the petitioner institution has not submitted fresh proposal for the academic year 2012-13. The petitioner had not challenged the advertisement inviting proposals for the academic year 2012-13. We had also observed that the petitioner institution was knowing about

the fate of its proposal and only after grant of proposal submitted by respondent No.4 by the Government, the applicant had questioned the rejection of its proposal and challenged the permission granted to respondent No.4.

7. Considering the above, no case is made out for review of the order. The review application is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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