

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2998/2015

(MAHARASHTRA RAJYA SHIKSHAN SANSTHA MAHAMANDAL, PUNE & ANOTHER **VERSUS**
 STATE OF MAHARASHTRA & ANOTHER)

WITH

WRIT PETITION NO. 2999/2015

(MAHARASHTRA RAJYA SHIKSHAN SANSTHA MAHAMANDAL, PUNE & OTHERS **VERSUS**
 STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri R.L. Khapre, counsel for the petitioners.
 Shri Ambarish Joshi, A.G.P. for the R-1.
 Shri J.B. Kasat, counsel for the R-University.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : FEBRUARY 29, 2016.

Since the issue involved in these petitions is identical, they are heard together and are decided by this common order.

By these petitions, the petitioners seek a direction to the State Government to consider the proposal of the petitioners to start a college/course as recommended by the University.

According to the petitioners, the State Government could not have refused to decide the proposal of the petitioners in view of the Government Resolutions dated 29.04.2015 and 20.07.2015.

Shri Khapre, the learned counsel for the petitioners, states that the issue involved in these cases was also involved in a bunch of writ petitions and the Division Bench at the Principal Seat, has by the judgment dated 08.09.2015 in Writ Petition No.6002 of 2015 & Others, permitted the State Government to consider the applications made by the petitioners therein for starting new colleges/courses without considering the Government Resolutions dated 29.04.2015 and 20.07.2015. It is stated that a similar order may be passed in these petitions also.

Shri Joshi, the learned Assistant Government Pleader appearing on behalf of the respondent-State, does not dispute that the issue involved in these cases was also involved in the decided writ petitions. It is admitted that by the judgment dated 08.09.2015, the State Government was directed to consider the applications for opening of new colleges/courses as approved by the University, without considering the Government Resolutions dated 29.04.2015 and 20.07.2015. It is stated that the State Government has filed three special leave petitions against the judgment and they are pending. It is, however, fairly stated that there are no interim orders passed by the Hon'ble Supreme Court in the Special Leave Petitions..

Since the issue involved in this case stands answered by the judgment dated 08.09.2015 in Writ Petition No.6002 of 2015 & Others, for the reasons recorded in the said judgment, the State Government is directed to consider the applications made by the petitioners for starting the new colleges/courses as recommended by the University in accordance with law without considering the Government Resolutions dated 29.04.2015 and 20.07.2015. The respondent-University is further directed to take appropriate action under Section 83 of the Maharashtra Universities Act and consider granting necessary affiliation to the colleges/courses, if permitted, in accordance with law. The University should take appropriate steps in view of this decision, as early as possible. Order accordingly. No costs.

Steno copy of the order is granted on request.

JUDGE

JUDGE

APTE