

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4258 OF 2016

[Laxmi Shikshan Sanstha and Krida Mandal, Lakhani .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri P.S. Tidke, counsel for the petitioner,
Shri J.Y. Ghurde, AGP for respondent no.1.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 27, 2016.

By this writ petition, the petitioner challenges the order of the State Government, dated 28.4.2015, refusing to grant permission to the petitioner-society to extend the faculty of Bachelor of Science course from the academic session 2015-2016.

The petitioner had initially applied for grant of permission to start additional classes for Bachelor of Science course in the year 2012. The University asked the petitioner to cure some deficiencies. On 12.4.2013, the University rejected the proposal of the petitioner. The petitioner filed Writ Petition No.5730/2013 challenging the order of the University. The writ petition was dismissed, by an order dated 28.11.2013. The petitioner challenged the said order before the Hon'ble Supreme Court. The Hon'ble Supreme Court held that there was no reason for interference with the order passed by the High Court. However, the Hon'ble Supreme Court observed that if the petitioner again moves a fresh application to the University for permission to start additional sections/classes for the Bachelor of Science course for the subsequent year, the University would consider the same in accordance with law. The petitioner made an application to the University for permission to start additional classes from the academic session 2015-2016. The University recommended the

case of the petitioner to the State Government. The State Government, by the impugned communication, dated 22.7.2015, rejected the proposal of the petitioner on the ground that the State Government had taken a policy decision, not to grant permission to any institution to open a new college or start additional sections during the year 2015-2016, as several seats in the existing colleges were lying vacant. The petitioner has impugned the said communication in the instant petition.

On hearing the learned counsel for the parties, we find that there is no scope for interference with the impugned communication in exercise of the writ jurisdiction. Firstly, though the impugned communication was issued on 22.7.2015, the petitioner has slept over the matter, till the petition is filed on 21.7.2016. If, according to the petitioner, it was wrongly not granted permission to start additional classes from the academic session 2015-2016 by the impugned communication, the petitioner should have immediately approached this court. If the petitioner desired to start classes from the academic year 2016-2017, it was necessary for the petitioner to file a fresh application/proposal to the University, so that the University could again inspect the college and consider, whether the case of the petitioner for starting additional classes from the year 2016-2017 could be recommended. However, a fresh application is not filed by the petitioner for permission to start additional classes from the year 2016-2017. The academic session 2016-2017 has already commenced, therefore, the petition is rendered infructuous, as by the impugned order, the petitioner was not granted permission to start additional classes from the year 2015-2016 and the academic session 2016-2017 for which no application was made by the petitioner, has also commenced. If the petitioner so desires, the petitioner is entitled to file an appropriate application to the University for recommending the

case of the petitioner for starting additional classes from the academic session 2017-2018.

In the circumstances of the case, we dispose of the writ petition, with no order as to costs.

JUDGE

JUDGE

Gulande, PA

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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