

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

WRIT PETITION NO.1118 OF 2016

Kranti Shikshan Sanstha, through its Secretary, Shri Kashiram Wadguji Humne

-vs-

State of Maharashtra, thr its Secretary, Ministry of Higher and Technical Education, Mantralaya,
Mumbai-32 and and

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Anand Parchure, counsel for the petitioner.
Mr.B.G. Kulkarni, counsel for the R-2.
Mrs.Geeta Tiwari, AGP for the R-1.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : MARCH 28, 2016.

By this writ petition, the petitioner seeks a direction to the State Government to immediately consider the proposal of the petitioner for starting new colleges from the Academic Session 2015-16 and grant a no objection to the petitioner institution to start the colleges on the basis of the proposal sent by the petitioner for grant of permission from the Academic Session 2013-14.

The petitioner institution has submitted a proposal for opening two new colleges in district Gadchiroli in the year 2012. The petitioner desired to start the colleges by the said proposal from the Academic Session 2013-14. Since the proposal of the petitioner was not decided by the State Government, the petitioner filed Writ Petition No.5452 of 2014 seeking a direction to the State Government to decide the proposal of the petitioner. The said petition was, however, withdrawn by the petitioner. A statement was made by the learned counsel for the petitioner before seeking

withdrawal that the proposal of the petitioner was returned by the State Government to the respondent-University for removal of deficiencies and the petitioner pursue the matter with the respondent-University. After the writ petition was withdrawn on 23.4.2015, the University found that there were deficiencies in the proposal for starting the two colleges. It is the case of the petitioner that the said deficiencies are removed and hence, the State Government should reconsider the proposal of the petitioner for opening the new colleges. It is stated that though permission was granted to some of the institutions to open the new colleges, permission is wrongly denied to the petitioner on the ground that the State Government has taken a policy decision not to grant permission to any society to open the new colleges for the Academic Session 2015-16.

On hearing the learned counsel for the parties, we find that the relief sought by the petitioner cannot be granted. The proposal of the petitioner is a stale proposal. By the proposal made in the year 2012, the petitioner had sought the permission to open the new colleges from the Academic Session 2013-14. Even by this petition, the petitioner has sought permission to open the colleges from the Academic Session 2015-16. The said Academic Session is now complete and the petitioner has not claimed permission from the Academic Session 2016-17. Even if the said permission was claimed, the said prayer would have been rejected as it is necessary for the petitioner to submit a fresh proposal for starting the new colleges. After the earlier writ petition was disposed of by this Court on 23.4.2015, the University has refused to recommend the case of the

petitioner for opening the new two colleges as there are several deficiencies in the proposal of the petitioner. It would not be proper for this Court to decide whether the said deficiencies are removed or not. In any case, it would be necessary for the petitioner to apply afresh, if permission was not granted to the petitioner for opening the new colleges for the Academic Session 2013-14 as per the proposal of the year 2012. It would be necessary to refer to the provisions of Section 82 of the Maharashtra Universities Act in this regard. Since we find that the proposal of the petitioner is not duly recommended by the respondent-University and since the same is a stale, a direction cannot be issued to the State Government to decide the proposal of the petitioner for opening the new colleges from the Academic Session 2016-17 especially when the relief is not prayed.

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

JUDGE

JUDGE

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