

IN THE HIGH COURT OF JUDICATUR OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1888 OF 2008

Bahujan Nayak Shikshan Prasarak

Mandal, Jalna,

Through it's President

Adv. Bramhanand Sakharam Chavan,

Jijamata Nagar, Chaman,

Double Jin, Juna Jalna,

Taluka and District Jalna.

...Petitioner.

Versus

1. The State of Maharashtra.
2. Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through it's Registrar.
3. The Director,
College & University Development Council,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad.
4. Arvind Bajirao Chavan,
Age : 51 years, Occu: M.L.A. & Agri.
R/o. Raosaheb Deshpande Complex,
Mahatma Gandhi Chaman, Old Jalna.
5. Shivaji Shikshan Prasarak Mandal, Jalna
Through it's Secretary,
Raosaheb Deshpande Complex,
Mahatma Gandhi Chaman, Old Jalna.
For trust and Arts, Commerce and Science
College, Ramnagar, Jalna. ...Respondents.

WITH
WRIT PETITION NO. 4336 O 2008

Shivaji Education Society,
Nava, Taluka and District Jalna,
Through its secretary,
Vitthal S/o. Bhaurao Mhaske,
Age : 65 years, Occupation : Agri.,
And Social Worker, resident of Nava,
Taluka and District Jalna. ...Petitioner.

Versus

1. The State of Maharashtra.
2. The Deputy Director of Education
Aurangabad Region, Aurangabad.
3. The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad.
4. Shivaji Shikshan Prasarak Mandal,
Jalna, through its President,
Arvind S/o. Bajirao Chavan,
Age. 52 years, Occ : Sitting M.L.A.
Taluka and District Jalna. ...Respondents.

Advocate for Petitioner in W.P. No.: Shri Cedric C. Fernandez
h/f. Shri D.R. Markad.

AGP for Respondent No. 1 : Shri Y.G. Gujrathi.

Advocate for Respondent Nos. 2 & 3 : Shri S.K. Naikwade
h/f. Shri K.M. Suryawanshi.

Advocate for Respondent Nos. 4 & 5 : Shri R.J. Godbole.

CORAM : RAVINDRA V. GHUGE &
SUNIL K. KOTWAL, JJ.

Dated : 13rd November, 2017

ORAL JUDGMENT :

1. In both these petitions, the petitioners pray for a direction to the University to consider its proposal for starting a new college. Since, both the petitioners are identically situated, these matters were tagged together by order dated 18/09/2008, while admitting the petitions.

2. None appears for the petitioner in the first petition. We have considered the submissions of the learned advocates for the petitioner in the second petition which stands on similar set of facts as like the first petition.

3. Grievance put forth by both the petitioners is with regard to starting a new college for the academic year 2008-2009. The said request cannot be accepted in the year 2017. It is informed that the University normally prepares the perspective plan for accepting proposals for starting the new colleges. In the last ten years the University may have come up with two perspective plans.

4. In the above backdrop, we deem it appropriate to permit these petitioners to submit fresh proposals to the University and in the event of any such proposal being submitted as per the cut off date and the rules of University, the same would be considered on their own merits and in accordance with the perspective plan.

5. Such proposals if tendered by these petitioners will be considered by the University along with all such other proposals as it may have received under the current perspective plan.

6. In so far as the challenge to the grant of permission to respondent No. 5/College in the first petition is concerned, it is informed by Shri Godbole, learned advocate that the College is presently functioning and is in existence for the last ten years. In that backdrop, we do not wish to disturb the permission granted.

7. Both these petitions, are therefore, disposed with the above observations and the liberty set out therein. Rule is

discharged.

8. Pending Civil Applications, if any, do not survive and stand disposed of.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

S.P.C.