

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO.1781 OF 2017

Vishal Shikshan Prasarak
Mandal, Dhule ... Petitioner.

Versus

The State of Maharashtra
and another. ... Respondents.

...

Mr.V.D.Hon, Senior advocate for the petitioner.
Mr.A.P.Basarkar, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 04.04.2017.

PER COURT :

1. Heard.

2. Mr.Hon, learned Senior advocate submits that the petitioner had submitted proposal seeking permission to start Arts, Commerce and Science College at Dhule. The decision was not being taken. The petitioner filed Writ Petition

No.5849/2014. In the said Writ Petition, the State has filed affidavit stating that the petitioner has been granted permission to open and start new Arts, Science and Commerce College at Dhule from the academic year 2015-16. The learned Senior advocate submits that even letter of intent was issued to the petitioner, however, subsequently the State has taken a somersault and has issued letter stating that the proposal is rejected. The same is on erroneous ground.

3. The learned Senior advocate submits that even the Grampanchayat has issued completion certificate to the petitioner that the construction to the extent of 21583.80 Sq.ft. is complete and the building can be used. The Senior advocate also relies on the photographs. It is further submitted that even the University has recommended the proposal of the petitioner.

4. The learned A.G.P. submits that as per condition No.12, the area of the building is not sufficient. The construction has to be of 20750 Sq.ft. and the petitioner has carried out the

construction of the building to the extent of 18241 Sq.ft.

5. We have considered the submissions. The affidavit was filed by the State in earlier Writ Petition stating that the petitioner institution has been granted permission to open and run Arts, Science and Commerce College at Dhule. It appears that under the impugned order, the permission is refused solely on the ground that the construction of the building is inadequate. The construction is 18241 Sq.ft. and required construction has to be 20750 Sq. ft.

6. Today, the petitioner has produced the completion certificate stating that construction of the building admeasuring 21583.80 Sq.ft. is complete and ready for use.

7. Considering above, the impugned order is quashed and set aside. The petitioner shall file completion certificate with the Respondent No.1. The Respondent No.1 shall reconsider the said proposal and decide it afresh, preferably

within one month from the date of receipt of the completion certificate.

8. The Writ Petition accordingly stands partly allowed. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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