

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

WRIT PETITION NO.6126 OF 2016

Anjuman Taraqqui-E-Taleem,
Kasoda, Taluka Erandol,
Dist. Jalgaon,
through its Secretary,
Haji Tayyad Ali Osman Ali,
Age 68 years, Occ. Agri.,
r/o. Syed Mohalla, Kasoda,
Tq. Erandol, Dist.Jalgaon ..Petitioner

Vs.

The State of Maharashtra,
through Secretary,
Education and Sports Department,
Mantralaya, Mumbai – 400 032
and others ..Respondents

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Mrs.A.N.Ansari, Advocate for petitioner
Mr.A.R.Kale, AGP for respondent nos.1 to 3

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : MARCH 06, 2017**

ORAL ORDER :

Heard.

2. This petition is filed for giving directions to the respondents to consider the proposal submitted by the petitioner – Institution

on 22.11.2012 and to allow the petitioner to run the Junior College in Arts faculty.

3. It appears that in the year 2008, permission was granted to the petitioner - Institution to start Junior College and as per the permission, one class of 11th standard was started. The said college was run for one academic year i.e. 2008-2009. The learned Counsel for the petitioner submits that 44 students had taken admission in that class, but the petitioner could not get class-room and therefore, the College was closed. Thereafter, in the year 2012, a proposal was submitted to the respondent for renewal of permission to run the college. The respondent has informed the petitioner by communication dated 16.07.2016 that such renewal cannot be granted in view of the Government Resolution dated 19.10.2007 issued by the School Education and Sports Department, Government of Maharashtra, Mantralaya, Mumbai.

4. The learned Counsel for the petitioner submits that the said Government Resolution dated 19.10.2007 is to the effect that if, within eighteen months from the date of permission, Junior College or School is not started, then only the permission lapses and if the College or the School is started within the prescribed period, then there will be no need to apply for renewal of permission. The learned Counsel for the petitioner submits that in view of the said wording in the Government Resolution and when the petitioner had already started one class i.e. 11th standard in the year 2008-2009, there is no need to make a fresh proposal.

5. It appears that the afore-said situation has occurred due to the conduct of the petitioner. The conduct of the petitioner shows that petitioner was not thinking of the interests of the 44 students, who were allegedly admitted for 11th standard in the said college. In view of this

circumstance, this Court holds that when the Junior College was closed by the petitioner after the academic year 2008-2009 and as yet, there is no renewal, the above-said Government Resolution dated 19.10.2007 cannot be interpreted in such a way that there is possibility of renewal of the permission. This Court holds that in such a situation, when an Institution does not continue the College or School and closes it for many years and if again applies, the application should be in the form of a fresh proposal for starting new College and not for renewal of the College. In view of the conduct of the petitioner, the interpretation of the said Government Resolution dated 19.10.2007, as suggested by the learned Counsel for the petitioner, is not possible.

6. In view of the above, the Writ Petition stands dismissed.

[SANGITRAO S. PATIL, J.]

kbp

[T.V. NALAWADE, J.]