

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4995 OF 2017

Bharat Shikshan Prasarak
Mandal, Latur

Petitioner

Versus

The State of Maharashtra

Respondent

Mr.N.P.Patil Jamalpurkar, advocate for the petitioner.

Mr.V.S.Badakh, A.G.P. for Respondent No.1.

Respondent No.2 deleted as per Court's order dated 07.07.2017.

**CORAM : R.M.BORDE AND
A.M.DHAVAL, JJ.
DATE : 27th July, 2017.**

P.C. :

1 The petitioner-management has tendered an application seeking approval to start new College for the academic year 2014-2015. Since the proposal tendered by the petitioner was not considered, petitioner was constrained to approach this Court by presenting Writ Petition No.6339 of 2015, which came to be disposed of by this Court on 30.06.2015 with directions to the respondents to take decision on the proposal submitted by the petitioner-institution, as expeditiously as possible, preferably within a period of four months.

2 The petitioner contends that the decision taken by the respondents was not communicated to the management and said

decision is ante dated, taken with an object to escape from the proposed action that could be taken against the respondents in the contempt petition, which was stated to have been initiated by the petitioner. Petitioner claims that the proposal has been rejected on the flimsy grounds and in fact there were no deficiencies in the proposal.

3 Even if assuming that contention of the petitioner, to the effect that there are no deficiencies, is taken to be true, still the proposal tendered by the management for starting new college in the academic year 2014-2015 cannot be considered for the academic year 2017-2018 or 2018-2019. A notice of enforcement of new enactment i.e. Maharashtra Public Universities Act, 2016, is also required to be taken. Section 107 of the Maharashtra Universities Act provides for preparation of perspective plan and application for recognition for opening new college shall have to be dealt with in consonance with the perspective plan required to be formulated by the University. Section 108 of the Act lays down conditions of affiliation and recognition, whereas, Section 109 provides for procedure for according permission for opening new college or new course, subject, faculty or divisions. The proposal of the institution for opening new college shall have to be in consonance with the provisions of Section 107 and in terms of the procedure laid down under Section 109 of the said Act.

4 If the petitioner desirous of starting a new college, it would be open for the petitioner to adopt the procedure prescribed under Maharashtra Public Universities Act, 2016. If the petitioner tenders proposal in consonance with the Maharashtra Public

Universities Act, 2016, same shall be taken into consideration in accordance with provisions of law by the respondents.

5 With the liberty, as aforesaid, writ petition stands disposed of.

A.M.DHAVALÉ
JUDGE

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R.M.BORDE
JUDGE