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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.109/2016

Mahadu Tukaram Darekar.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri V.D. Sapkal, Advocate for petitioner.

Shri A.B. Girase, Government Pleader for respondent no.1.

Shri M.N. Narwade, Advocate for respondent no.2.

Shri S.R. Deshpande, Advocate for respondent nos.3 & 4.

Respondent no.5 served.

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CORAM: S.C. DHARMADHIKARI &
SANGITRAO S. PATIL, JJ.

DATE: 21.07.2017

ORDER :

1] This Public Interest Litigation seeks quashing and setting aside of a Government resolution dated 5.7.2016 issued by the Department of Agriculture, Animal Husbandry, Dairy Development and Fisheries, Government of Maharashtra. By this Government resolution, the Government Agricultural College is permitted to be set up at village Halgaon Tq.Jamkhed Dist.Ahmednagar.

2] The grievance of the public interest litigant is

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that earlier a proposal was received to set up this agricultural college at Shrigonda Tq. Shrigonda in Ahmednagar District. However, under the influence of the Minister of State for Agriculture, who is from the same District, earlier proposal was abandoned though it was examined by all the statutory authorities. On account of undue influence and interference by the Minister, site of the Government Agricultural College was altered. According to petitioner, this is a hasty and arbitrary decision, which is not in public interest.

3] This matter was extensively argued by Shri V.D.Sapkal, learned counsel appearing for the petitioner and the learned Advocates appearing for the respective authorities namely the Agricultural University, Rahuri and the Maharashtra Council for Agricultural Development and Research, Pune. After conclusion of the arguments, we enquired from Shri Girase, learned Government Pleader, as to whether the Government is ready and willing to reconsider the proposal and strictly in accordance with law. This suggestion was given, once Shri Sapkal submitted that presently a decision has been taken to establish this college at Halgaon, but thereafter no

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concrete steps have been taken. The college has been temporarily established and set up within the premises of the Agricultural University at Rahuri. This is a *pro-tem* and *ad-hoc* arrangement.

4] We granted time to Shri Girase to take instructions and revert back to the Court. Shri Girase has placed before us a document styled as a letter dated 6.7.2017 addressed by none other than the Principal Secretary (Agriculture), Government of Maharashtra. In this letter, the Principal Secretary has conveyed the decision of the State Government that it would scrutinize the proposal for establishing and setting up of this college at Shrigonda and Jamkhed. In other words, the proposal would be examined as per the procedure prescribed in the Maharashtra Agricultural Universities (Krishi Vidyapiths) Act, 1983. The proposal would be examined and scrutinized by these statutory authorities. They would take into consideration all relevant factors including availability of land etc. It is stated that on receipt of the report in the form of the resolution of the Executive Council of the Agricultural University, Rahuri, the State Government will take a final decision.

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In other words, this proposal will be examined afresh without being influenced by any earlier decisions.

5] Once this statement is made, on written instructions, by Shri Girase, learned Government Pleader, then the same can be safely accepted as an undertaking to this Court. In view of this decision conveyed by Shri Girase, earlier Government resolution dated 5.7.2016 does not survive. Now, a fresh decision will have to be taken and uninfluenced by the earlier exercise. Needless to clarify that merely because some proposals are emanating from local representatives and Ministers, it does not mean that the Government is obliged to establish and set up this college at the places or sites of their choice. We do not think that the Ministers and local representatives have any role beyond suggesting the setting up of a college.

6] The PIL is disposed of accordingly. R & P be returned to Shri Girase forthwith. No costs.

(SANGITRAO S. PATIL, J.) (S.C. DHARMADHIKARI, J.)