

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

WRIT PETITION NO. 9659 OF 2016

Shri Bhavani Shikshan Prasarak Mandal .. Petitioner
Osmanabad through its Secretary ...

Versus

The State of Maharashtra & Anr. .. Respondents

Mr.N.B. Khandare, Advocate for the petitioner.

Mr.P.S. Patil, AGP for respondent No.1.

Mr.S.G. Chapalgaonkar, Advocate for respondent No.2.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 30.11.2017

P.C. :-

1. Mr. Khandare, learned advocate submits that the petitioner has submitted proposal to the University seeking permission to open and run Law College at Osmanabad. The University recommended proposal of the petitioner. The State Government notified some deficiencies. The petitioner complied said deficiencies. The University again resubmitted the proposal to the State Government. The proposal is rejected solely on the

ground that the required constructed area should be 9200 sq.ft. Learned advocate submits that the petitioner had submitted the proposal complete in all respect. There was mistake in lease-deed, which was subsequently corrected on 18.07.2016. The corrected lease-deed is also submitted to the respondents, but the same has not been considered. The petitioner, having complied with all the requirements, is required to be granted permission to open and run the Law College at Osmanabad.

2. Learned AGP submits that the construction as per the lease-deed is only 831.35 sq.ft. Same is too inadequate. The plan was also not legible. In view of that the proposal was rightly rejected.

3. From the order on record, it does not transpire that the corrected lease deed was under consideration with respondent No.1. It appears that when the University had called the petitioner with regard to deficiencies, on the said date the corrected lease deed was not before the

University. The corrected lease deed probably was not brought to the notice of respondent No.1 when the order was passed. The corrected lease deed is also registered one. It is registered on 18.07.2016.

4. Considering the fact that as per the registered lease deed, the construction is shown to be 9203 sq.ft., which is said to have been given on lease to the petitioner by lessor, same is required to be considered by the respondents. The initial lease deed shows that the property was given on lease for two years. However, as per the corrected lease deed, same is for five years. All these will have to be considered by the authority.

5. Present academic year has already commenced long back. As such, the proposal of the petitioner cannot be considered for present academic year.

6. Considering the above, we pass following order:-

7. Respondent No.1 shall consider proposal of the petitioner submitted to it for opening and running the Law College at Osmanabad for the academic year 2018-19. Of course, in case same is in the prospective plan. The petitioner may produce additional documents before respondent No.1, if it so desires. The said proposal shall be considered on its own merits, preferably by the end of May, 2018.

8. The writ petition is disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]