

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2444/2017

(Late Shri Dnyaneshwarji Menghare Bahu Uddeshiya Shikshan Sanstha vs. The State of
Maharashtra and others)

AND

WRIT PETITION NO.4422/2017

(Late Manikrao Govindrao Khadse Gramin vikas Sanstha vs. The State of Maharashtra and
others)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
S/shri B.G.Kulkarni/ A.I. Sheikh Advs. for petitioners
Miss N P Mehta,AGP for respondent nos. 1 and 2
S/Shri P B Patil/ R.D. Walode, Adv.for respondent no.3

CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI, JJ.

DATED : 7th November, 2017.

Heard.

2. Petitioners are desirous of starting new Social Work Colleges in Bhandara and Wardha Districts respectively. Since 2004 there was a ban and hence such Colleges could not be started. It appears that on 17th October 2015, State Government sent a communication to all non-agricultural Universities in State of Maharashtra. In that communication, there is a reference to report prepared by Dr. Narendra Jadhav Committee on factors to be adhered to, while drawing a new perspective plan by University. This report, while noting prevailing facts at Page 8, also takes note of the ban imposed in 2004 and expressly points out that this ban applicable to establishment on new Social Work Colleges was still operating. The Committee report mentions and Government also reproduces that in changed situation, it

was necessary to establish such new Colleges.

3. The respondent-University, thereafter, has drawn a perspective plan for year 2016-17 and in it need of one Social Work College each for Bhandra and Wardha Districts, is identified. Public advertisement was being issued and petitioners submitted their proposals. In terms of policy, University recommended their proposals favourably for permitting them to start such Colleges on permanent no-grant basis. By identical order the proposals have been rejected. The reason given is ban imposed vide order dated 24.8.2004.

4. In reply-affidavit, defence of State Government is report of Dr. Jadhav Committee pertains to higher education or technical education. Social work education and social work department are distinct establishments and, therefore, said report is not binding on it.

5. The petitioners on the basis of the communication dated 17th October, 2015 sent by State Government to all Universities point out that Dr. Jadhav Committee has also considered the need of opening new Social Work colleges.

6. We find substance in contention of petitioners. Observations at Page 8 mentioned *supra*, clearly demonstrate that Social Work colleges were also within purview of Dr. Jadhav Committee and Committee has felt it necessary to provide new Colleges even for Social Work.

7. A perspective plan was then drawn. Public advertisement

was published and petitioners have participated in the process. There are no *mala fides* or oblique motive on their part. The decision to fall back on communication dated 24.8.2004 imposing ban therefore appears to be unjustifiable.

8. In this situation, we quash and set aside the impugned orders and direct the respondents to consider the proposals sent to it by RTMNU, within next three months, as per law. We make it clear that this time limit is imposed to see that need recognised by Dr. Jadhav Committee and by respondent -University while preparing perspective plan has remained uncatered in academic year 2016-17 and thereafter 2017-18.

9. If necessary, opportunity of hearing shall also be extended to petitioners.

10. Needless to mention that permission if granted shall operate from academic year 2018-19.

11. With these directions, Writ Petitions are partly allowed and disposed of.

JUDGE

JUDGE

sahare