

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

WRIT PETITION NO. 398 OF 2018

Cosmopolitan Education and
Welfare Society, Parbhani,
Through its President
Shri. Shaifik Ahmed

... Petitioner

Versus

The State of Maharashtra
Through the Secretary Higher and
Technical Education Maharashtra
State, Mantralaya, Mumbai and others

... Respondents

Mr. Sujeet Patil, Advocate h/f Mr. V.D. Salunke,
Advocate for the petitioner
Mr. G.O. Wattamwar, AGP for respondent/State

**CORAM : PRASANNA B. VARALE
& S.M.GAVHANE, JJ.
DATED : 05.07.2018**

P.C. :-

Heard Mr. Sujeet Patil learned counsel h/f Mr. V.D. Salunke, learned counsel appearing for the petitioner and Mr. G.O. Wattamwar, learned AGP appearing for the respondent/State.

2. The petitioner is an institute namely Cosmopolitan Education and Welfare Society, Parbhani. Mr. Patil, learned counsel appearing for the petitioner by inviting our attention to the documents placed on record submitted that the petitioner institute is running a Diploma in College. The petitioner was permitted to start Marathi Medium division. He submits that though the certificate is not placed on record, the

petitioner institute is a minority institute and the reference is made in the representations submitted by the petitioner institute. The learned counsel Mr. Patil invited our attention to the resolution passed by the Executive Committee on 10.04.2017. It is submitted in the resolution that the institute is not having sufficient strength of students to run two Marathi divisions. As such the institute be permitted to convert one division of Marathi Medium into division of Urdu Medium. This resolution is passed by majority. The learned counsel Mr. Patil invited our attention to representation made by the institute namely, the Principal of District authorities of State of Maharashtra i.e. Director. Such representations are placed on record at annexure "F" and these representations are dated 29.06.2017, 14.07.2017, 22.09.2017 and 13.11.2017 and last of representation is dated 28.11.2017.

3. The learned counsel Mr. Patil submits that the only grievance of the petitioner is though the petitioner submitted representation to the competent authority, in spite of sufficient time lapsed no decision is taken by the competent authority. As such the petitioner is before this Court with a prayer to permit the competent authority to decide the representation. The learned counsel submits that the respondent authority be permitted to decide the representation within a time frame. Perusal of the order sheet shows that notice was issued by this Court on 15.01.2018. Considering the submissions made by learned

counsel of the fact situation in the matter, we are of the opinion that the petition can be disposed of at the admission stage itself. It is not in dispute that the petitioner submitted various representations to the competent authority right from 29.06.2017 and its decision is pending of the competent authority. Accordingly we dispose of the petition with a direction to respondent No.2 i.e. Director, Maharashtra State Education Research and Training Council, Pune to decide the proposal/ representation of the petitioner institute as early as possible and not later than four weeks from the date of order this Court, if it is not yet decided. The petition is disposed of accordingly.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]