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

WRIT PETITION NO.1731 OF 2018

Ashwamedh Arts and Commerce
Night College, Ahmednagar
Through its Secretary,
Rajendra Digambar Ghodake,
Age: 42 years, Occ: Business,
R/o. Lal Taki Road, Near
Adhyapak Balak Ashram, Ashwamedh
Shaikshanik Sankul, At
Post Sawedi, Tq. Dist.Ahmednagar. ..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Higher Education,
Mantralaya, Mumbai.
2. The Registrar,
Savitribai Phule Pune
University, Pune.
3. The Director (Higher Education),
Central Building, Pune.
4. Joint Director (Higher Education),
17 Ambedkar Road, Camp, Pune. ..RESPONDENTS

Mr Anandsingh Bayas, Advocate for petitioner;
Mr S.M. Ganachari, A.G.P. for respondent Nos.1, 3
& 4;
Mr V.P. Golewar, Advocate h/f Mr A.R. Joshi,
Advocate for respondent No.2

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

DATE : 14th AUGUST, 2018

ORAL ORDER :

Heard Mr. Bayas, learned Counsel appearing for the petitioner.

2. The petitioner institute is before this Court seeking directions to respondent No.1 i.e. State of Maharashtra through its Secretary, Department of Higher Education, to forthwith issue letter of approval/final recognition to the college of petitioner institute.

3. Mr. Bayas, learned Counsel appearing for the petitioner, by inviting our attention to the documents placed on record, submitted that the petitioner institute was desirous of opening senior night college at Ahmednagar for academic year 2016/17. He submits that the petitioner institute also approached this Court by filing Writ Petition No.8252 of 2015 and this Court, by judgment and

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order dated 27th October, 2015, bunch of petitions including petition filed by the petitioner, were disposed of and the State Government was directed to take a decision. It is then submitted by Mr. Bayas that the place wherein the petitioner is desirous to start night college find place in the perceptive plan of the university.

4. Mr. Bayas, learned Counsel, by inviting our attention to the documents placed on record submits that along with the proposal, the petitioner submitted all requisite documents to show financial capacity of the institute and infrastructural facilities having available to the petitioner. It is then submitted that all the preliminary formalities are completed, such as, spot verification by the expert committee, verification of the documents. He by inviting our attention to the documents placed on record at Exhibit-I submitted that Pune University submitted proposal to the Director with positive recommendation and the State Government by

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communication dated 9th September, 2014 granted letter of intent in favour of petitioner institute. Even subsequent to communication dated 9th September, 2014, the petitioner institute extended all co-operation to the university authorities for inspection formalities and also submitted various undertakings, .

5. He then submitted that even inspection committee of the university found no deficiencies in the proposal and committee opined that the petitioner institute is acting in the field with bonafide object, there is need of night college in Ahmednagar city, inspection committee also found that the institution is having a building on rental basis to accommodate classes. Learned Counsel submitted that in spite of these compliance and in spite of having a positive recommendation of the university, the proposal of the petitioner institute is pending before the State Government for grant of final approval. He then submitted that other institutions which are similarly situated

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with the petitioner institute have been granted final approval. In support of his submission, learned Counsel invited our attention to the documents placed on record i.e. communication dated 2nd July, 2015.

6. Perusal of the communication dated 2nd July, 2015 show that one institute namely National Education Society, Sillod is granted permission to start college at place Fardapur, Taluka Soyegaon, District Aurangabad on permanent non grant basis. Mr. Bayas, learned Counsel also invited our attention to the representation to the State Government dated 20th December, 2016 which is placed on record at Exhibit-R and submitted that the petitioner institute is approaching the State Government with a request to grant final approval as early as possible. The submission of Mr. Bayas is, the State authorities and more particularly respondent No.1 is sitting idle over the proposal and this inordinate delay is causing prejudice to the petitioner institute.

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7. Notice was issued by this Court on 12th February, 2018. Till today, no reply is filed by the State.

8. Considering the grievance raised by the petitioner which is in limited nature and considering the submissions along with documents placed on record referred to by us, we are of the opinion that the petition can be disposed of with directions to respondent No.1. Though learned Counsel appearing for the petitioner prays directions to respondent No.1 to pass appropriate orders forthwith, we direct respondent No.1 to take a decision for grant of final approval to the petitioner institute as early as possible and not later than eight weeks from the date of order of this Court and to communicate the same to the petitioner institute. Needless to state that respondent No.1 to take a decision on the merits of the proposal of the petitioner institute. We further make it clear that if the State Government

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decides the proposal of the petitioner institute positively and grant final approval to start college, the petitioner institute to start college and admit the students only from academic year 2019-2020.

9. The petition is disposed of with above referred directions.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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