

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

60 WRIT PETITION NO. 4127 OF 2018

DADAHARI GRAMVIKAS SEVABHAVI SANSTHA WARPUD DIST
PARBHANI THROUGH PRESIDENT AJEET

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. L.S.Balaji (Killarikar)

AGP for Respondent No. 1 : Mrs. A.V. Gondhalekar

...

CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JUNE 19, 2018

O R D E R :

Mr. L.S.Balaji the learned counsel for the petitioner submits that respondent no. 2 University invited proposal for opening new Senior College in the year 2013-2014 as per perspective plan for the year 2011-2016. The University favourably recommended the proposal of the petitioner in April, 2015, but the Government did not take any decision upon it. The learned counsel submits that Government cannot sit over the proposal for indefinite period.

2. According to the learned counsel further process was done, however, the order and the letter of permission are not received.

3. Mrs. A.V.Gondhalekar, learned AGP submits that the proposal has to be submitted every year on the due recommendation of the University. The place where the petitioner has to start institution has to be in the perspective plan. It is only if the letter of intent is issued prior to 31st January, then only it can be considered for grant of permission before 15th June of the said year.

4. The learned AGP submits that the terms and conditions are laid down in Government Resolution dated 15th September, 2017 and the same has to be complied by the petitioner.

5. It is not the case of the respondents that respondents had rejected the proposal of the petitioner recommended by the University. It was incumbent upon the State to pass orders on the proposal. The

respondent/State could not have kept proposal pending. It is expected by the State to pass orders considering the merits of the proposal within time frame stipulated.

6. Considering the fact that the said proposal is not yet decided by the respondent/State, we direct the respondent/State to consider the proposal of the petitioner pending with it to start New Senior College for the academic year 2019-2020. Of course, if the place where the petitioner, as shown in the proposal to start new Senior College, is in the perspective plan for the year 2019-2020, then the said proposal shall be considered within the period stipulated in the Act.

7. Writ petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

mahajansb/