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

WRIT PETITION NO.4898 OF 2018

Chatrapati Shahu Maharaj Shikshan Prasarak Sanstha,
Pratapur, Tal. Taloda, Dist. Nandurbar,
Through its President
Suresh Zagadu Indrajeet,
Age: 55 years, Occu: Agriculture,
R/o: Pratapur, Tal. Taloda,
Dist. Nandurbar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary of
Higher and Technical Education,
Mantralaya, Mumbai
2. The Dy. Registrar,
Board of Colleges and University Development,
North Maharashtra University, Jalgaon
3. The Vice Chancellor,
North Maharashtra University,
Jalgaon, Dist. Jalgaon

..RESPONDENTS

Mr V. S. Undre, Advocate for petitioner;
Mr G. O. Wattamwar, A.G.P. for respondent No.1

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

DATE : 4th July, 2018

ORAL ORDER:

Heard Mr Undre, learned Counsel appearing on behalf of the
petitioner and learned A.G.P. for respondent State.

(2)

2. The petitioner is before this Court with a limited prayer in the nature of deciding proposal filed by the petitioner-Institute on 22nd September, 2017 to start a College in the stream of Arts faculty at Pratappur, Tal. Taloda, Dist. Nandurbar, for the academic year 2018-2019.

3. Perusal of the order sheet shows that the notice was issued to the respondents on 20th June, 2018. Learned A.G.P. waived notice for respondent No.1. The learned Counsel for the petitioner submitted that with the permission of this Court, respondent Nos.2 and 3 are served but no appearance is filed on behalf of them. He further submitted that insofar as respondent Nos.2 and 3 are concerned, the positive recommendation is forwarded to respondent No.1 State of Maharashtra by them, in compliance of the Government Resolution dated 15th September, 2017.

4. Learned Counsel for the petitioner vehemently submitted that it is now only the State Government i.e. respondent No.1 – the Secretary of Higher and Technical Education, Mantralaya, Mumbai, who has to take decision on the proposal submitted by the petitioner and as the academic year 2018-2019 is about to start, the anxiety of the petitioner is to get the proposal decided by the authorities at the earliest.

5. There is considerable merit in the submission of learned Counsel for

the petitioner.

6. Our attention is invited to the documents placed on record by the learned Counsel appearing on behalf of the petitioner. The State of Maharashtra, by way of Government Resolution dated 15th September, 2017, invited applications for grant of permission to start new colleges in the traditional field of learning as well as in the vocational and technical fields. As per the said Government Resolution, a perspective plan is prepared by the North Maharashtra University. The documents placed on record show that a list of as many as 74 Colleges to be started at various areas falling in the jurisdiction of North Maharashtra University is prepared. It is not in dispute that most of the area is the tribal area. In the perspective plan, one college for the Arts stream at a place, namely, Pratappur is shown at Sr.No.64 in the list of proposed colleges.

7. The petitioner-institute submitted its proposal to the North Maharashtra University with the preliminary check-list. Copy of the same is placed on record at Exh.'C'. The proposal is inclusive of certain details, such as, the place available with the Institute, the financial capacity of the Institute, etc. As per the Government Resolution, the requisite condition of visit by the Committee appointed by the North Maharashtra University is also complied with.

(4)

8. Our attention is also invited to the documents placed on record at Exh.'I'. Perusal of the said document i.e. communication dated 15th November, 2017, issued by the Deputy Registrar of North Maharashtra University to the petitioner-Institute informing the Institute shows that the proposal is submitted to the State Government with the report of the Committee. It is also made clear in the communication that mere proposal would not create any right in favour of the Institute or by mere proposal, the Institute cannot claim any equity. The documents then shows that the expert Committee recommended the proposal with its observations that the Institute is eligible subject to certain compliance in Column No.5 to 8 within stipulated time limit.

9. Our attention is also invited to the document placed on record at Exh.'J'. By the said Government Resolution, certain colleges are granted Letter of Intent subject to conditions. The only grievance of the petitioner is, though the proposal with positive recommendation of the University is submitted to the State of Maharashtra and is pending before respondent No.1, no decision is taken on the proposal. It is also submitted by the learned Counsel for the petitioner that for the place Pratappur in the perspective plan, the requirement is of one college in the Arts faculty and the petitioner Institute was the only Institute which responded to the Government Resolution and submitted its proposal with all necessary compliance.

10. Considering all these facts, we are of the opinion that the petition can be disposed of at the stage of admission, on the backdrop of the above referred facts. We direct respondent No.1 to decide the proposal of the petitioner as expeditiously as possible and not later than three weeks from today, if the proposal is not decided till date and to communicate the decision to the petitioner. In our opinion, this direction would meet the ends of justice and also would not cause any prejudice to the respondent State. The petition is disposed of accordingly. Learned A.G.P. to communicate this order to respondent No.1.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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