

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

949 WRIT PETITION NO. 5091 OF 2016

YUVA SPORTS CLUB THROUGH ITS SECRETARY NAMDEO JANARDHAN
DAUD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. A.N.Nagargoje
AGP for Respondent nos. 1 to 3 : Mr.A.V. Deshmukh
Advocate for respondent no. 4 : Mr. S.G.Chapalgaonkar.

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

DATE : JUNE 19, 2018

O R D E R :

Mr. Nagargoje, learned counsel for the petitioner submits that the petitioner had filed an application seeking permission to open and run Senior College at Babara, Taluka Phulambri, District Aurangabad. The application of the petitioner is rejected under order dated 6.11.2015.

2. Learned counsel submits that on erroneous ground application has been rejected. The respondent

had prepared perspective plan for the year 2011-2016 and in the perspective plan the village Babara was included. The petitioner moved proposal for opening Arts and Science College. The proposal was complete in all respects. The proposal of the petitioner was duly recommended by the University. Though the proposal of the petitioner was recommended, fresh advertisement was issued. The petitioner approached to this court for filing writ petition bearing No. 8655 of 2011. This court directed respondents to consider the said proposal for the ensuing academic year. The respondent authorities have by order dated 7.5.2012 rejected the proposal on erroneous ground. The petitioner again approached this court by filing writ petition No. 2649 of 2014. Writ Petition came to be allowed under order dated 8.5.2014 directing respondent authorities to consider the petitioner's proposal for the academic year 2015-2016.

3. In the impugned order the proposal is

rejected basically on two grounds, one that the proposal is received after 15th June and the non agricultural permission is not produced. The learned counsel submits that the proposal was received well within the time on 6.6.2015 and the University had forwarded the proposal to the State Government. The ground in the impugned order that the proposal is received late is incorrect. The learned counsel further submits that the proposal of the petitioner is pending since 2011-2012. On erroneous grounds the proposal was rejected. This court took cognizance of the same and directed the authorities to re-consider the proposal. The petitioner has also secured non-agricultural permission on 11 August, 2015. The said aspect also has not been considered.

4. The learned counsel submits that in the case of another institution viz. National Educational Society, the respondent authorities have granted permission, though the place where the said

institution had applied was not subsequently in the perspective plan.

5. The learned AGP submits that after considering all aspects of the matter the order is passed.

6. We have considered the submissions canvassed by the learned counsel for the respective parties. It is not disputed that for the academic year 2018-2019 perspective plan has been prepared by the University and the same is approved by the State Government. In the said perspective plan, village Babara, where the petitioner has applied for starting Arts and Science faculty does not find place.

7. In absence of the place being notified in the perspective plan, it would not be possible to consider the request of the petitioner. It is the fact that even on 15.6.2016 when the proposal was

with the Government, petitioner did not possess non-agricultural permission. The petitioner had got non-agricultural permission subsequently in August, 2015. We could have considered the case of the petitioner, had the place where the petitioner applied for starting new college was notified in the perspective plan. In absence of the same, the case of the petitioner cannot be considered.

8. As and when the place is notified in the perspective plan, it would be open for the petitioner to file fresh proposal.

9. In view of the above, the writ petition is disposed of. No costs.

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

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