

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

WRIT PETITION NO. 10700 OF 2017

Rokda Hanuman Pratishthan and
Multi-purpose Institution, Bhokardan,
Tq. Bhokardan, Dist. Jalna, Through its
President/Chairman,
Ram s/o Bhikanrao Deshmukh,
Age : 35 years, Occu : Service,
R/o.Rokda Hanuman, Deshmukh Lane,
Bhokardan, Dist.: Jalna.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai-400 032.

2. Dr. Babasaheb Ambedkar Marathwada
University, Through its Registrar,
Aurangabad.

...Respondents

Ms. Pradnya Talekar, Advocate h/f Talekar and Associates
Mr. S.M. Ganachari, AGP for Respondent No.1
Mr. K.M. Suryawanshi, Advocate for Respondent No.2

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**CORAM : PRASANNA B. VARALE AND
MANISH PITALE, JJ.**

DATE: 7th SEPTEMBER, 2018

ORAL ORDER :

1. Heard Ms. Talekar, Advocate for the Petitioner. The
petitioner is education-institute desirous of starting new

courses. The learned Counsel Ms. Talekar invited our attention to the documents placed on record and submitted that the petitioner-institute in response to the Government Resolution dated 29th April, 2015 submitted proposal for starting of new courses. The proposal of the petitioner-institute was complete in all respects and along with requisite fees of Rs. 3,00,000/-, the proposal was submitted to the University. The University namely, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad by communication dated 16.06.2015 informed the petitioner that though the University with positive recommendations forwarded the proposal, the State Government in its discretion rejected the proposal on the ground that there is a change in Government Policy. Ms. Talekar submitted that an identical issue was raised before this Court in bunch of Writ Petitions namely, Writ Petitions Nos. 959/2016, 960/2016 and 978/2016. The Division Bench of this Court by order dated 6th April, 2016 was pleased to consider the fact situation on the backdrop of the Judgment in the case of ***Rajureshwar Shikshan Prasarak Mandal, Takli Kolte, Tq. Phulumbri Vs. The State of Maharashtra and Ors.*** and by adopting the very course adopted in the case of

Rajureshwar Shikshan Prasarak Mandal, directed the State Government to consider the proposal submitted by the petitioner and recommended by the University. The copy of the order is placed on record at Exhibit- 'D'. The learned Counsel submitted that in the matter of *Rajureshwar Shikshan Prasarak Mandal*, this Court directed the State Government to consider the proposal without an insistence to submit fresh proposal or fresh deposits. Ms. Talekar then by inviting our attention to an order passed by this Court in Writ Petition No. 9967/2016 dated 30.11.2017 submitted that the Division Bench again considering the ground that the State Government rejected the proposal only with a rider that there is a change in the policy of the Government and without assigning any other reason on merit, these proposals were rejected. The Division Bench, ultimately, disposed of the Writ Petition with a direction to the State Government to consider the proposal on its merits. Our attention was also invited to paragraph 4 and the observations of the Division Bench reads thus, in case the prospective plan permits, then the proposal of the petitioner forwarded on 20.04.2015 by the University shall be considered for the academic year 2018-2019 on its own

merits as per the policy and the decision upon it shall be taken by end of May, 2018.

2. The learned AGP opposes the Petition and the ground of opposition reflected in para No. 7 of affidavit-in-reply filed by the State. It is stated in the affidavit-in-reply that certain institutes approached this Court and orders were passed by this Court. The State Government considered those proposals wherein the orders of this Court was passed and in that list of the proposals, the name of the petitioner-institute was not finding place. As such, the proposal of the petitioner-institute cannot be considered. We see neither any logic or reason for adopting this approach by the State Government. When this Court considering the very fact situation and considering the rejection order which was not on merit, but only on a ground of change in Policy passed the orders in bunch of petitions as well in writ petition No. 9967/2016, we no reason to take any different view than the view earlier adopted by this Court. Resultantly, we dispose of the Writ Petition. We direct the State Government to consider the proposal of the Petitioner for extension of courses. Needless to state that in case the prospective plan

permits the proposal of the petitioner forwarded by the University on 28.04.2015, shall be considered for the academic year 2019-2020 on its own merits as per the policy and the decision be taken by end of December, 2018.

3. The Writ Petition is accordingly disposed of.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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