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

WRIT PETITION NO.7670 OF 2018

Ekta Shikshan Prasarak Mandal,
Through its Secretary,
Shaikh Subhan Nabi Patel,
Age: 48 years, Occ: Secretary
of Ekta & Service,
Presently R/o. Reasonable Park,
Gut No. 83, Deolai Road, Aurangabad. ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
Higher Education Dept.
Mantralaya, Mumbai-32.
2. Savitribai Phule Pune
University, (Old Pune
University) Ganesh Khind,
Pune, Through its
In charge Vice Chancellor. ..RESPONDENTS

Mr R.D. Sanap, Advocate for petitioner;
Mr R.B. Bagul, A.G.P. for respondent No. 1;
Mr. V.P. Golewar, Advocate h/f Mr A.R. Joshi,
Advocate for respondent No.2

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

DATE : 12th JULY, 2018

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ORAL ORDER :

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

2. The limited grievance is raised in the petition. Mr. Sanap, learned Counsel appearing for the petitioner submits that this is second round of the petitioner to approach this Court. He submitted that the petitioner institute is minority institute. Our attention was invited to the certificate placed on record at Exhibit-A. He then invited our attention to the Government Resolution dated 4th July, 2017. The scheme is framed by the State Government considering the issue of permission for additional divisions. The modalities and criteria is referred to in the Government Resolution dated 4th July, 2017. It may not be necessary for us to go into these details. Suffice it to say that the petitioner submitted its proposal for additional divisions in the year 2017 itself. Respondent No. 2 University, finding

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certain deficiencies was of the opinion that the petitioner's proposal cannot be forwarded to the State Government in view of these deficiencies.

3. The petitioner was before this Court challenging the decision of the University by preferring Writ Petition No.11303 of 2017. The Division Bench of this Court, in detailed order dated 31st January, 2018 on hearing learned Counsel appearing for the respective parties and also considering the aspect that the deficiency on which the University had objection of not having approved principal with the institute and that deficiency was cured by the petitioner by appointing Mrs. Shaikh Aqila Maheboob as principal, observed that the appointment of the said person as a principal is also approved by the University initially for one year and again subsequently for one year. Considering these facts, Division Bench of this Court disposed of the petition with directions to the University to reconsider the proposal of the petitioner within stipulated period of two weeks

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from the date of order.

4. Mr. Sanap, learned Counsel appearing for the petitioner invited our attention to the document/communication dated 15th February, 2018. The Deputy Registrar of respondent No.2 University informed the Principal Secretary of Higher and Technical Education Department, State of Maharashtra that in view of the orders passed by this Court, the proposal of the petitioner was reconsidered and same is forwarded to the State Government with positive recommendation. He submits that since February, 2018 the proposal is pending before respondent No.1. He also invited our attention to the representation made by the petitioner dated 6th February, 2018 and then representation to the Registrar of University dated 3rd February, 2018. Learned Counsel appearing for the petitioner, thus, submits that only grievance of the petitioner is, the State authority and more particularly respondent No.1 is sitting idle over the proposal forwarded to the State Government with

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positive recommendation of respondent No.2 University and delay caused in decision of the proposal is causing prejudice to the petitioner institute.

5. Mr. Sanap, learned Counsel appearing for the petitioner then submitted that the petitioner institute already admitted the students for the additional divisions in view of the fact that the proposal is pending before the State Government with positive recommendation of the University.

6. Learned A.G.P. submits that if directions are issued by this Court for deciding the proposal, he has no objection for undertaking such exercise by the State, more particularly by respondent No.1.

7. Considering this limited grievance of the petitioner and considering the above referred facts, we are of the opinion that the petition can be disposed of at admission stage itself by issuing directions to respondent No.1 to take a decision on the proposal received by it dated 15th February,

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2018 with positive recommendation by respondent No.2 expeditiously and not later than four weeks from the date of order of this Court, if already not decided. By issuing this direction, we are directing the petitioner to publish a notice in leading newspaper having large circulation in the area of Ahmednagar city and other surrounding areas that the admission given to those students in the additional divisions is subject to the decision of the State authority i.e. respondent No.1. This direction is given to the petitioner in view of the statement made by learned Counsel appearing for the petitioner that the petitioner already admitted the students in the additional divisions without there having any final approval by the State Government.

8. With above directions, the petition is disposed of accordingly.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE