

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

WRIT PETITION NO. 9334 OF 2018

MAHARASHTRA SHIKSHAN SAMITI NILANGA THROUGH ITS SECRETARY
AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr.Sunil M. Vibhute, Advocate for the petitioners
Mr.C.S.Kulkarni, AGP for the respondent/State

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

DATED : 13.08.2018

P.C. :-

. Heard Mr. Vibhute, learned counsel appearing for
the petitioners.

2. Petitioner No.1 is the Secretary whereas
petitioner No.2 is the Principal. The petitioners'
institute was desirous of opening a new college. The
proposal was accordingly submitted to the competent
authorities namely the State Government and the
University i.e. Swami Ramanand Teerth Marathwada
University, Nanded.

3. Mr. Vibhute, learned counsel invited our attention to the communication issued by the Deputy Registrar of the University dated 28.04.2018. The learned counsel submitted that the proposal submitted to the University was complete in all respect meaning thereby the petitioners' institute placed on record the documents to show that the institute is having sufficient space available and also having infrastructural facilities available with the petitioners' institute with requisite staff. Learned counsel submitted that by communication dated 28.04.2018 the University forwarded the proposal to the State Government with its positive recommendation. Perusal of the material placed on record shows that on 23.07.2018 the Desk Officer of the State Government informed the Deputy Registrar of the University that the proposals are received by the State Government. On scrutiny of the proposals, the State Government found that certain proposals are not complete in all respect

and the institute will have to complete with the deficiencies. As they were not complied the deficiencies the State Government rejected the proposals. It seems that alongwith this communication the State Government annexed a chart of the institutes whose proposals were rejected. Now page No.65 of the petition i.e. Exh.D is the communication forwarded by the University and it seems that it is intern forwarded to the petitioners' institute informing the petitioners' institute that the petitioners' institute failed to comply with the deficiencies as per Clause 10 and 11-A. The reference is made to these deficiencies though the institute having sufficient space available it is not having requisite space or area which can be treated as a non-agricultural land second deficiency was about the documents of building. Learned counsel submitted that this documents were already submitted alongwith the proposal and the University while forwarding the proposal to the State Government scrutinized the proposal and if the proposal

is complete in all respect then and then only the University forwards the proposals to the State Government with positive recommendation.

4. We are of the opinion that without going into this controversy the petition can be disposed of with the direction to the State Government to consider the proposal of the petitioners' institute afresh and if the State Government is of the opinion that the proposal is complete in all respect the State Government may pass appropriate orders within 12 weeks from today. If the State Government pass order in favour of the petitioners' institute, the petitioners' institute would be permitted to start the college and run the classes only from the Academic year 2019-2020. With the above directions, the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]