

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

WRIT PETITION NO. 9055 OF 2014

WITH CA/9882/2015 IN WP/9055/2014 WITH CA/8561/2016
IN WP/9055/2014 WITH CA/12260/2017 IN WP/9055/2014
WITH CA/9882/2015 IN WP/9055/2014 WITH CA/14887/2015
IN WP/7112/2014 WITH CA/8561/2016 IN WP/9055/2014

**KARMVEER PRATISHTHAN, JALNA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.V.J.Dixit, learned Senior Advocate for the
petitioners

Mr.V.S.Badakh, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 19.09.2018

P.C. :-

. The petitioner assails the order dated 28.08.2014/09.09.2014 thereby cancelling the permission of transfer of the college run by Navchaitanya to petitioner No.1 under the Government Resolution dated 07.04.2006.

2. Though the present matter has got chequered history we need not dilate much upon it. Under Government Resolution dated 07.04.2006 permission was granted to transfer Samaj Karya Mahavidyalaya run by Navchaitanya Shikshan Sanstha, Wadzari to

Karmaveer Pratishthan, Jalna. Respondent No.7 and 8 herein made a representation /complaint about the trasnfer of the college to petitioner No.1. The said complaint/representation was not considered. Said respondent No.7 and 8 filed writ petition bearing No.7122/2009. This Court under order dated 05.12.2009 recorded the statement of the learned AGP that they will consider the petition as a representation of the petitioner and pass appropriate orders thereupon in accordance with law.

3. Pursuant to the aforesaid orders of this Court the University was directed to constitute fact finding Committee. The University constituted three Members Committee under the Chairmanship of Dr.D.B.Dhaigude. The said committee on 10.02.2012 submitted its report to the Director College and University (BCUD) i.e. Board of College and University Development. After receipt of the report the matter was placed before the Hon'ble Minister (Social Justice). The Hon'ble Minister it appears heard the parties and passed the impugned order.

4. We have heard Mr.V.J.Dixit, learned Senior counsel for the petitioner, Mr.M.S.Chaudhary,

learned counsel for respondent Nos. 7 and 8 and intervenors. Mr. Milind Patil, learned counsel for respondent No. 9, Mr. Chapalgaonkar, learned counsel for respondent No. 5 and learned AGP.

5. We have perused the impugned order passed by the Hon'ble Minister. Upon perusal of the impugned order it is manifest that the impugned order is bereft of any reasons. The impugned government resolution only states that the Minister has considered the report of the enquiry committee established by the University, the complaint of respondent No. 7 and 8, the order passed in contempt petition and that the Hon'ble Minister has directed to cancel the permission. The report of the enquiry committee constituted by the University records finding that the transfer appears to be proper and if there is any dispute with regard to the signature the parties to approach the hand-writing expert. The Hon'ble Minister has not discussed the pros and cons of the same nor has discussed the complaint filed by the complainant and the lacunae if any in the order granting permission to the transfer of the college.

6. Reasons now are considered as third pillar of the principle of natural justice. The reasons depict the application of mind of the authority passing the order. The parties affected should know the reasons prevailing upon the mind of the authority while passing the adverse order. The order has to be passed by the authority on his subjective satisfaction based on objective assessment of the facts before him. The impugned order is sans reasons such an order cannot be sustained.

7. In the light of above, we are inclined to relegate the parties to the Government for consideration of the complaint filed by respondent Nos. 7,8 and intervenors afresh.

8. In view of above the impugned order and the Government Resolution dated 09.09.2014 are quashed and set aside. The parties shall appear before the Government/Hon'ble Minister/Competent authority on 10.10.2018. The authority shall after hearing all the parties and perusal of the record pass reasoned orders afresh, expeditiously, preferably within a period of six months from the date of appearance of all the parties. As we have already given the date

of appearance it is not necessary for the authority to issue notice to the parties.

9. With these observations, the writ petition stands disposed of. No costs.

10. In view disposal of the writ petition, the civil applications do not survive and stand disposed.

[S.M.GAVHANE, J.]

[S.V. GANGAPURWALA, J.]