

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

WRIT PETITION NO. 11303 OF 2017

Ekta Shikshan Prasarak Mandal
Through Secretary
Shaikh Subhan Nabi Patel .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri R. S. Deshmukh, Advocate h/f Shri R. D. Sanap, Advocate
for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for the Respondent No. 1.

Shri V. P. Golewar, Advocate h/f Shri A. R. Joshi, Advocate for the
Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.**

DATE : 31ST JANUARY, 2018.

FINAL ORDER :

. The proposal of the petitioner for additional divisions of the Ist year B.A. and Ist year B. Com. courses was not recommended by the university inter alia, the petitioner was not granted additional divisions.

2. Mr. Deshmukh, the learned advocate for the petitioner submits that, the only reason mentioned for not recommending proposal of the petitioner for sanction of additional divisions was

that, the petitioner institution has not appointed full fledged principal. According to the learned counsel a permanent principal is appointed namely Mrs. Shaikh Aqila Maheboob. The appointment of said person as principal is also approved by the university initially for one year and again subsequently for one year. Though the appointment order states that, appointment is for a period of three years, the appointment is a permanent appointment.

3. Mr. Golewar, the learned advocate for the respondent No. 2/university submits that, the proposal submitted by the petitioner for additional divisions could not have been recommended in absence of the petitioner fulfilling the required criteria. No full fledged principal was appointed by the petitioner. In view of that, the university has not recommended the proposal.

4. From the appointment order placed on record, it appears that, under Statute No. 415 of the University of Pune, the appointment of the principal is made. The principal is selected by the local selection committee. It is accepted that, the Statute No. 415 prescribes the constitution of the selection committee.

5. It is stated by the petitioner that, the petitioner/institution is a minority institution and as such, Statute Nos. 411 to 438

would not strictly apply and the application of the Statute Nos. 411 to 438 are exempted as determined by the university authorities.

6. The affidavit in reply filed by the university describes only one deficiency viz non appointment of regular principal. Now that appointment order has been filed on record thereby appointing principal and the approval also been granted to the appointment of the principal.

7. In view of the above, the university shall reconsider the proposal of the petitioner for sanction of additional divisions of the Ist year B. A. and Ist year B. Com. courses run by the petitioner institution and make appropriate recommendations in accordance with law and the Government Resolutions in that regard. The said exercise be done expeditiously and preferably within a period of two (02) weeks from today. The writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]