

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4189 OF 2018

Shri Sadguru Saibaba Seva Trust, Pune	...Petitioner
Vs.	
The State of Maharashtra & Ors.	...Respondents

Mr.Uday P. Warunjikar for Petitioner.
 Mr.A.P. Vanarase, AGP for Respondent Nos.1 and 2.
 Mr.Rajendra Anbhule for Respondent No.3.
 Mr.Dattatray Vasantrao Kharke, Desk Officer, HST Department.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.**

DATE : 4th MAY 2018

P.C.:

Rule returnable forthwith. By consent heard finally.

2. The learned Counsel appearing for the petitioner filed a proposal which was routed through the University for starting the college for deaf and dumb students which is stated to be first proposal of such nature in the entire State of Maharashtra. The learned Counsel for the petitioner submits that the proposal was rejected on the State level on the ground that one of the conditions of the Fixed Deposit to be kept for five years was not complied

with. The submission of the learned Counsel for the petitioner that the Fixed Deposit was kept by the petitioner which was in existence since last two years and which the petitioner undertook to continue for further five years, could have been taken into consideration. In other words, the learned Counsel submitted that proposal of this nature ought not to have been rejected on the ground of want of Fixed Deposit for a period of five years.

3. Affidavit in reply has been filed on behalf of the State by Dr.Vijay Pandurang Narkhede, Joint Director of Higher Education, Pune Region. As per the norms laid down in the Government Resolution, it is necessary to keep Rs.7 Lakhs for five years in a Fixed Deposit Scheme. As the amount was kept only for two years, the proposal came to be rejected.

4. The learned Counsel appearing for the University submits that at their end, the proposal was favourable for deaf and dumb students and with appropriate remarks was forwarded to the State.

5. If a proposal to start the college for deaf and dumb

students, which according to the petitioner, is the first proposal in the State of Maharashtra, then the State ought to have considered such proposal seriously and little liberally. We say so because the condition on which the State rejected the said proposal was that the appellant kept the amount in Fixed Deposit only for two years and not for five years as per the requirement of the State Government.

5. In the facts of the case, we do not find that on this ground of partial non-compliance only in relation to the period of fixed deposit, the proposal should be rejected unless the State finds that other essential conditions and requirements are not fulfilled by the petitioner.

6. The specific education to deaf and dumb students would help them in many ways to provide them an opportunity to come up in the main stream of the society.

7. In the facts and circumstances of the case, we find that the matter is required to be reconsidered by the State Government in the light of the observation made by us. We accordingly quash

and set aside the impugned order passed by the State. The matter is remanded back. The respondent-State shall re-consider the proposal afresh on its own merits accepting the rectified fixed deposit of five years as submitted by the petitioner. In case other conditions are satisfied by the petitioner, then the State would take necessary decision within two weeks from the date of receipt of this order.

8. The learned AGP shall communicate this order to the concerned authority of the State.

9. The petition is accordingly disposed of in the above terms. No costs.

10. Parties to act on an authenticated copy of this order.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]