

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

WRIT PETITION NO.552 OF 2019

**ADARSHA EDUCATION SOCIETY AMBHAI THROUGH VICE PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.A.N. Nagargoje, Advocate for the petitioner.
Mrs.M.A. Deshpande, AGP for respondent/State.
Mr.K.M. Suryawanshi, Advocate for respondent No.4.

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

DATED : 23.01.2019

P.C. :-

1. Heard learned Counsel for the petitioner. The petitioner is an institute and being represented through its Vice President raising grievance in respect of non-decision on the proposal submitted by the petitioner-institute to the State Government for opening of new college.

2. It may not be necessary for us to refer to other facts in detail. Suffice to say, in response to prospective plan for opening of new college at various

places, the petitioner institute, who was desirous of opening new college at village Aland, Tal. Phulambri, Dist. Aurangabad, submitted proposal to respondent No.4-University along with requisite documents. The learned Counsel also invited our attention to the documents placed on record to submit that initially certain deficiencies were pointed out. Being aggrieved by that communication, the petitioner institute was granted liberty to submit appeal before the Competent Authority. The petitioner institute submitted appeal/representation. Learned Counsel then by inviting our attention to communication dated 03.12.2018 submitted that initially by communication dated 29.11.2018, the University recorded its negative opinion in respect of proposal but in the communication dated 03.12.2018, it is stated that an error was committed by the University while recording negative opinion. It is specifically stated in the communication dated 03.12.2018 that University failed to observe minority status of the petitioner – institute, as such, the negative opinion was recorded. But by

correcting that error, the University forwarded proposal to the State of Maharashtra with its positive recommendation. Learned Counsel for the petitioner then submitted that the last date for grant of permission by the State Government is 31.01.2019 and if any further delay is caused in the matter, the purpose of approaching this Court would be frustrated.

3. Learned Counsel also submitted that in identical issue, which was dealt with by this Court and in view of judgment and order of the Division Bench of this Court dated 16.01.2019 in Writ Petition No. 13870 of 2018 and connected petitions, the State Government was directed to decide the proposal on merit, observing that it is ultimate power of the State Government to take decision on the proposal. Learned Counsel for the petitioner made out a case for allowing the petition partly.

4. Respondent No.1 is directed to decide the proposal of the petitioner institute forwarded by

respondent No.4 - University on 03.12.2018 as expeditiously as possible, before the cut-off date i.e. 31.01.2019. If the respondent No.4 - University has not forwarded the proposal till date, respondent No.4 - University to forward the proposal immediately to respondent No.1 and decide the proposal, needless to state, on merit.

5. With these directions, the writ petition is partly allowed and disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]