

(1)

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

WRIT PETITION NO.763 OF 2019

Swargiya Harivanshrai Bachchan
Bahuuddeshiya Seva Bhavi Sanstha,
Paradh (Bk.), Tq. Bhokardan,
Dist. Jalna, through the
Secretary, Vikrant s/o Rajendra
Shrivastav, Age: 44 years,
Occu: Agriculture,
R/o. Paradh (Bk.), Dist. Jalna ..PETITIONER

VERSUS

1. State of Maharashtra,
through the Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai
2. The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Dist. Aurangabad ..RESPONDENTS

Mr S. D. Tawshikar, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent No.1;
Mr S. S. Thombre, Advocate for respondent No.2

WITH
WRIT PETITION NO.793 OF 2019

Shri Chatrapati Shivaji Shikshan
Sanstha, Bhokardan, through its
President Ramdas s/o Kaduba Kad,
Age: 64 years, Occu: Agriculture,
R/o. Shivaji Chowk, Jafrabad,
Dist. Jalna ..PETITIONER

(2)

VERSUS

1. State of Maharashtra,
through the Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai
2. The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Dist. Aurangabad ..RESPONDENTS

Mr V. Y. Bhide, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent No.1;
Mr S. S. Thombre, Advocate for respondent No.2

WITH

WRIT PETITION NO.823 OF 2019

Bharti Mahila Mandal, Jalna,
Through its Secretary
Rita Manoharrao Wankhede,
Age: 45 years, Occu: Advocate,
R/o Vipul Complex, Flat No.4,
Old Mondha, Mama Chowk, Jalna,
Tal. & Dist. Jalna ..PETITIONER

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai
2. The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad ..RESPONDENTS

Mr S, B, Solanke, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent No.1;
Mr S. S. Thombre, Advocate for respondent No.2

(3)

WITH
WRIT PETITION NO.825 OF 2019

Late Ranganathrao Patil Seva Bhavi
Pratishthan, Bhayadi at Bhaydi,
Post Danapur, Tq. Bhokardan,
District Jalna,
Through its Secretary,
Manisha w/o Gajanan Janjal,
Age: 36 years, Occu: Household,
R/o as above

..PETITIONER

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai

2. The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad

..RESPONDENTS

Mr B. B. Bhise, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent No.1;
Mr D. M. Mane, Advocate for respondent No.2

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

DATE : 22nd JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioners.

(4)

2. In all these petitions, an identical issue is raised namely, challenge to communication issued by respondent No.2 i.e. Registrar, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. Learned Counsel appearing for respective petitioners submitted before us that the petitioners - institutes are duly registered and in response to a perspective plan published by respondent No.2 - University submitted their proposals for opening colleges imparting education in various streams. For submitting application, mode of on-line submission was adopted. It is then submitted that respondent No.2-University forwarded communication to the Institutes pointing out certain deficiencies. The institutions, in response to the communication, submitted their compliance proposal to the University. Respondent No.2-University then by communication informed these institutions that proposal submitted by these institutions was an ineligible proposal for recommendation to the State Government.

3. Learned Counsel for the petitioners submitted that the ground raised for ineligibility is, availability of other college in the radius of 20 kms. from the proposed college. It was also submission of learned Counsel that this reason was not in respect of compliance of any deficiencies but this was altogether a different reason raised for rejection of the proposal. Then there is another communication placed on record that though University earlier thought it fit not to recommend the proposal to the State Government, subsequently the University forwarded these proposals to the State Government and the State Government refused to pass any order on the proposals.

4. It is then submitted by learned Counsel that an identical issue fell for consideration before the Division Bench in the bunch of petitions namely, Writ Petition No. 13870 of 2018 and other connected matters. Our attention was invited to the observations of the Division Bench in paragraph

(6)

Nos. 3, 4, 6 and 7. It is also submitted before us that last date for decision by the State Government is 31st January, 2019 and any further delay would cause a serious prejudice to the institutes.

5. Learned Counsel appearing for the University admits the fact situation in the matter and also admits that though the University initially declined to forward the proposal to the State Government, subsequently the University recommended its positive opinion in favour of these institutes.

6. In view of above referred fact situation, we direct the State Government to consider the proposals of these petitioners-institutions and pass appropriate orders on the merits of the proposals expeditiously, needless to state before cut-off date. If the proposals are pending before the University, the University to submit proposals to the State Government immediately i.e. before 25th January, 2019.

(7)

With this direction, all petitions are
disposed of accordingly.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

Tupe