

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3732 OF 2019

SHRI DURGA MATA BAHUUDDESHIYA KRIDA VA SAIKSHANIK
SANSTHA'S UTTAMRAO DESHMUKH PASHUDHAN VYAVSTHAPAN
VA DUGDHUTPADAN PADVIKA, KHADAKWADI,
THROUGH ITS AUTHORISED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. V. D. Hon, Senior
Advocate i/b. Mr. Hon Ashwin V.

AGP for Respondent No. 1 : Mr. S. G. Karlekar
Advocate for Respondent No. 2 : Mr. P. G. Rodge

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 14th AUGUST, 2019

PER COURT:

1. Pursuant to the application invited by respondent no. 2, the petitioner had applied for opening of the Livestock Management and Dairy Production Diploma course at Manvat. During the pendency of the writ petition, the said proposal is rejected.

2. Mr. Hon, learned Senior Advocate for the

petitioner submits that the petitioner had complied all the deficiencies and had submitted the compliance report and without considering the compliance report, respondent no. 2 had rejected the application of the petitioner. The learned Senior Advocate submits that, last year, respondent no. 2 granted the petitioner / institution permission to run similar college at Yeotmal. The change report of the petitioner is accepted and in the bylaws of the petitioner / society the said course is incorporated in June 2018.

3. The learned Senior Advocate for the petitioner further submits that 10 Acres of the land is made available and 2.5 Acres is irrigated. The 7/12 extract is also submitted with the copy of Gift Deed. The petitioner has submitted the compliance report well within the time but the respondents are alleging that the petitioner has not responded to the deficiencies.

4. Mr. Rodge, learned counsel for respondent no. 2 submits that even before filing of the petition the petitioner was called upon to comply the deficiencies. The deficiencies were informed, however, the petitioner within the stipulated period did not comply with the deficiencies and only Gift Deed was produced without showing that the land was as required is irrigated. Even bylaws was not amended though change report was submitted for amending bylaws of the Trust. There were other deficiencies also. The same are not removed.

5. Whether the petitioner complies with all the requirements has to be considered by the respondents / authorities. We would not sit in appeal over the decision taken by the respondents.

6. The bone of contention is the compliance of the deficiencies. According to the petitioner the deficiencies are complied with, whereas according to the respondent the petitioner did not respond to the deficiencies. The petitioner has placed all

the documents, 7/12 extract and also has contended that the change report is accepted. Bylaws of the Trust is also amended in June 2018, so also has the necessary furniture and the infrastructure available.

7. Considering the above, we direct the respondent / authority to reconsider the proposal submitted by the petitioner for grant of Livestock Management and Dairy Production Diploma course at Manvat. The same shall be reconsidered on its own merits, expeditiously and preferably within a period of three (03) months. In that event, the impugned order would not be an impediment. The petitioner may represent itself before the authority on 26.08.2019, and thereafter, on the date that will be convenient to the respondent.

8. Writ Petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]
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[S. V. GANGAPURWALA, J.]