

THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**WRIT PETITION NO. 4477 OF 2015**

Sillod Shikshan Sanstha, Sillod  
N-11, Hudco, New Aurangabad's  
Krantiveer Kakasaheb Deshmukh  
Arts and Science College Karanjkheda  
Through its President,  
Janardhan Laxman Mhaske,  
Age 75 yrs, Occ. Social Work,  
r/o As above.

**... PETITIONER**

**VERSUS**

- 1, The State of Maharashtra,  
Through the Secretary for  
Technical and Higher Education  
Mantralaya, Mumbai-32.
2. The Chancellor,  
Dr. Babasaheb Ambedkar Marathwada  
University, Aurangabad.
3. Rashtriya Charitable Trust's,  
Rashtriya Arts, Commerce and Science  
College, Karanjkheda, Tq. Kannad,  
Dist. Aurangabad,  
Through its President,  
Plot No.25, "Parwati", Samarthnagar,  
Aurangabad-431001.

**... RESPONDENTS**

...  
Mr. P. S. Pawar, Advocate for Petitioner.

Mr. S. P. Tiwari, AGP for Respondent No.1.

Mr. A. D. Aghav, Advocate for Respondent No.2.

...

CORAM : **T. V. NALAWADE &  
SUNIL K. KOTWAL, JJ.**

DATE : 06<sup>th</sup> February, 2019.

**ORAL JUDGMENT:** ( Per T. V. Nalawade, J. )

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 Nobody has turned up for Respondent No.3, institution, which got the permission of the Government for senior college for the academic year 2014-15.

3 The submissions made and record show that as per the plan, one senior college was to be sanctioned for Karanjkheda, Tahsil Kannad, District Aurangabad. The present Petitioner applied for that college and Respondent No.3 also applied for the same college. Respondent No.2, University made recommendation of both Petitioner and Respondent No.3. It appears that the State Government granted permission in favour of Respondent No.3. Only during arguments, the learned counsel for Petitioner submitted that Respondent No.3 was

under control of one MLA and his party was in power in Maharashtra at the relevant time. However, there is no whisper about that contention in the petition.

4           In the petition, it is mentioned that even after getting permission, Respondent No.3 has not started the college. It is specific contention that Respondent No.3 is not having necessary facilities for starting senior college and that is why Respondent No.3 has not started the senior college. The affidavit filed on behalf of the University dated 10<sup>th</sup> March, 2017 shows that after sanction of the college, letter of intent was issued by the University, but Respondent No.3 had not started the college.

5           The record filed shows that the Petitioner institution is registered as minority, *Boudh* religion institution. It is specific contention of the Petitioner that it has all the necessary facilities and it has big building, in which the Petitioner institution is running school and junior college. It was submitted that though the previous proposal was for the year 2014-15 as the college is not started by Respondent No.3, entitlement of the Petitioner can be considered for the next

academic year and for that application dated 29<sup>th</sup> September, 2018 is already made by the Petitioner institution.

6           In view of the aforesaid circumstances and particularly due to the circumstance that college is not started by Respondent No.3 even when permission was given for the academic year 2014-15, Respondent No.2, University is to consider the proposal of the Petitioner for the next ensuing academic year. However, that needs to be done as per the procedure, which is required to be followed for making recommendation for such permission by the University. If required, the Petitioner is entitled to make fresh proposal as per the advertisement, which may be published by the University and the University and Government are entitled to presume that no college is started by Respondent No.3 and that place is available for inclusion in the master plan. In aforesaid terms, the petition is allowed and disposed of. Rule is made absolute in aforesaid terms. Pending civil application is disposed of.

**[ SUNIL K. KOTWAL, J. ]**

**[ T. V. NALAWADE, J. ]**