

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

1119 WRIT PETITION NO.9152 OF 2016

RAJURESHWAR SHIKSHAN PRASAAK MANDAL
THROUGH ITS PRESIDENT BHASKARRAO
DADARAO KOL

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

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Mr.K.T.Shirrurkar, Advocate for Petitioner.

Mrs. G.L.Deshpande, AGP for State.

Mr. S.G.Chapalgaonkar, Advocate for R – 4.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 25/01/2019

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ORAL ORDER:

. Mr. Shirrurkar, learned counsel for petitioner submits that the Govt. has acted arbitrarily while rejecting the proposal of the petitioner. The University had recommended the proposal of petitioner. The expert committee had concluded that petitioner's proposal complies the norms laid down by the Govt., still the State has rejected the proposal. Expert committee also recommended the petitioner's proposal. The State Govt. is bound by the rules and instructions if it had to reject the proposal. The communication should have been made before 15th June of said year. In the present case, the same is rejected in September, 2016. It is illegal. The powers vests with the State to grant relaxation, but the said powers are not exercised by the State Govt. Learned counsel refers to clause No. 1.12 of the Govt. Resolution dated 30/10/2010.

2. Learned A.G.P. supports the order. We has also heard Mr.

S.G.Chapalgaonkar, learned counsel for respondent No. 4.

3. Perusal of the impugned order, it is manifest that the proposal of the petitioner is rejected basically on the ground that the construction where the proposed college is to commence is only 1564 sq.ft. whereas requirement is 20,800 sq. ft. The N.A. permission is also not enclosed. So also, audit report is not filed.

4. The Govt. can consider the relaxation in special circumstances such as if the place is situated in a tribal area, hilly area. However, the relaxation can be only to some extent. We could have understood the case of the petitioner that in stead of required construction of 20,800 sq.ft., it has construction of 18,000 to 20,000 sq.ft. However, the construction of the petitioner is only 1564 sq.ft., not even 8% of the required construction.

5. The Govt. is not bound by the recommendation of the university as is clear from sections 107,108 and 109 of the Maharashtra Universities Act. Only because by 15th June, 2016 the decision was not taken, the decision rendered by the respondent can not be termed as illegal.

6. In light of the above, no case for interference is made out. Writ Petition stands dismissed.

[A.M.DHAVALÉ]
JUDGE

[S.V.GANGAPURWALA]
JUDGE