

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
34 WRIT PETITION NO.5010 OF 2019**

ADARSHA EDUCATION SOCIETY AMBHAI THROUGH VICE
PRESIDENT ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. V. Dixit h/f Mr. Ankush N. Nagargoje,
Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents-State.
Mr. V. U. Pawar h/f. Mr. Sambhaji S. Tope, Advocate
for Respondent No.4

...
WITH
WRIT PETITION NO.8132/2019
WITH CA/11349/2019 IN WP/8132/2019

BANJARA JAGRUTI SANGH'S VASANTRAO NAIK
ARTS AND SCIENCE SENIOR COLLEGE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA & ORS. ..RESPONDENTS

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Mr. V. D. Hon, Senior Advocate with Mr. Ashwin V.
Hon, Advocates for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 10th OCTOBER, 2019.

PER COURT:-

1. The petitioner in Writ Petition No.8132/2019 was issued with the letter of intent, however, subsequently the permission is rejected by the State Government. The petitioner in Writ Petition No.5010/2019 contends that the proposal of

the petitioner was not considered because letter of intent was issued to the petitioner in Writ Petition No.8132/2019 and now as the permission has been refused to the petitioner in Writ Petition No.8132/2019 he be granted permission.

2. According to the petitioner in Writ Petition No.8132/2019, the letter of intent is valid upto end of January 2020. In fact there are no deficiencies. The building is situated in the rural area. The petitioner has construction permission. The construction has been made. There are various electricity connections in favour of the petitioner. These aspects are not considered and the petitioner is entitled to rectify the defects upto 31.01.2020.

3. The proposal of the petitioner in Writ Petition No.5010/2019 is not considered only on the ground that letter of intent is issued to the petitioner in Writ Petition No.8132/2019 and as such the petitioner of Writ Petition No.5010/2019 claims that he should now be granted the permission, as permission to the petitioner of Writ Petition No.8132/2019 has been refused.

4. The affidavit is filed by the Joint Director, Higher Education, Aurangabad Region. The affidavit states that the location of Sirsala Tanda is not shown in the perspective plan for the year 2020-2021. The petitioners in both these writ

petitions had applied for the permission to start Arts and Science College at Sirsala Tanda.

5. Now the permission cannot be granted for the Academic Year 2019-2020. If at all the proposals are to be considered they are to be considered for the Academic year 2020-2021. The affidavit filed by the State and the learned counsel for the University state that the Sirsala Tanda is not in the perspective plan for allotting senior Arts and Science college.

6. In light of the above, it will not be possible to entertain the contentions of the parties. In absence of location being shown in the perspective plan, it will not be appropriate for this Court to direct the State to consider the proposals.

7. It is for the State to take decision, if parties approached them.

8. Writ Petitions accordingly disposed of. No costs.

9. In view of disposal of writ petitions, present civil application stand disposed of.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE