

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11351 OF 2018

Rajkunwar Bahhuudeshiya Sevabhavi
Sanstha, Jalna
Through it's President

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. S.S. Jadhavar, Advocate for Petitioner
Mrs. A.V. Gondhalekar, Additional Government Pleader
for Respondent No. 1
Mr. V.U. Pawar, Advocate holding for
Mr. S.S. Tope, Advocate for Respondent No. 2

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

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. Mr. Jadhavar, learned counsel for the petitioner submits that as per the eligibility criteria for assessment and accreditation, the higher education institution if it has record of at least two batches of students graduated or been in existence for six years whichever is earlier are eligible to apply. The institution was established in the year 2009-2010. The application was filed by the petitioner for NAAC accreditation on 30.01.2016. The same is under consideration. The proposal filed by the petitioner in July 2017 for opening of the new course could not have been rejected on the ground that NAAC accreditation is not submitted.

2. Mr. Pawar, the learned counsel for the University and the learned Additional Government Pleader submit that the proposal was not accompanied with the NAAC accreditation, as such, the case of the petitioner could not have been considered.

3. The Government Resolution dated 15.09.2017 prescribes requirements for the data required to be fulfilled before the letter of intent can be issued. Admittedly the petitioner did not possess the NAAC accreditation and two batches had already passed out by the end of the academic year 2012-2013. The petitioner ought to have applied for the NAAC accreditation immediately, however, it applied after three years the second batch had passed out. As the requirement has not been complied, the respondents have taken the decision.

4. Mr. Jadhavar, learned counsel submits that even if the application for NAAC accreditation is pending, the same can be considered as per the Government Resolution dated 15.09.2017.

5. The learned Counsel relies on clause 2.3 (c) of the Government Resolution dated 15th September, 2017 and submits that the case of the petitioner is squarely covered under the proviso to clause 2.3 (c).

6. The said argument though appears to be attractive cannot be comprehended in view of Section 109 (6) of the Maharashtra Public Universities Act, 2016. The said provisos reads thus -

109 (6) The application for starting new course of study, subject, faculty or additional division or satellite center by existing colleges or institutions of Higher learning, shall not be forwarded to the State Government by the University, if, -

- (a) they have not been accredited or re-accredited either from National Assessment and Accreditation Council or National Board of Accreditation even though they are eligible and due for being accredited or re-accredited as per the norms of accreditation agencies; and

(b) they have not complied with the conditions laid down by the State Government.

7. Reading these provisos, it is manifest that the respondent ought not to have forwarded the proposal to the State Government in absence of NAAC Accreditation. The provision is couched in the mandatory term. In view of that, the said argument of the petitioner cannot be considered. The reason for rejection cannot be faulted.

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

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

mta