

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

WRIT PETITION NO. 1252 OF 2018

Rashtraveer Raje Sambhaji
Manar Sevabhavi Sanstha,
Andhori, Tq. Ahmadpur, Dist. Latur, through its
President – Sunil Gangadharrao Patil Petitioner

Versus

The State of Maharashtra & Ors. Respondents

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Shri. V. M. Humbe h/f Shri. Vinayak H. Solanke, Advocate for the
petitioner
Shri. S. G. Karlekar, AGP for respondent/State
Shri. Avinash D. Aghav, Advocate for respondent No. 2
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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 12TH FEBRUARY, 2019

ORAL ORDER:

1. Shri. V. M. Humbe, learned counsel for the petitioner submits that, the petitioner-Society is registered under the Societies Registration Act and the Maharashtra Public Trusts Act. It had applied for establishing Arts, Commerce & Science College for the academic year 2012-13 at Andhori, Dist. Latur. The University directed the petitioner to remove certain deficiencies. The petitioner rectified the deficiencies as communicated on 12.12.2011 and

17.12.2011. The petitioner's proposal initially was not placed before the Inquiry Committee. The petitioner filed an appeal before the Vice-Chancellor seeking recommendation. The Committee was constituted thereafter to conduct inquiry about the infrastructure of the petitioner-Society on 15.03.2012. The Inquiry Committee carried out the inspection and inquiry on 30.04.2012. The Committee positively recommended the case of the petitioner to forward the proposal to the State Government for its decision. However, the respondent did not place the petitioner's proposal before the Management Council's meeting on 28.04.2012. The learned counsel submits that, as the respondents failed to place the proposal of the petitioner before the Management Council, it did not recommend to the Government for the decision. It was an error on the part of the University in not placing the matter before the Management Council. The petitioner complied with all the necessary documents, infrastructure and there is no deficiency in the proposal of the petitioner. Time and again the petitioner had moved the respondent/authorities, however, the respondent-authorities ignored the same. The learned counsel submits that, even under the Right to Information Act, the petitioner has been communicated on 29.01.2016 that the village Andhori is in the Master Plan for the year 2017 for establishment of Senior Arts, Commerce & Science College.

2. We have heard Shri. Avinash D. Aghav, the learned Counsel for respondent No. 2/University.

3. We had asked the learned counsel for the University as to whether the place Andhori, Tq. Ahmedpur, Dist. Latur, finds place in the Master Plan for establishing Arts, Commerce & Science College for the academic year 2019-20. On instructions, it has been submitted that, place Andhori does not find place in the Master Plan for Arts, Commerce & Science College for the academic year 2019-20.

4. In absence of the said place in the Master Plan for establishment of Arts, Commerce & Science College, the grievance of the petitioner cannot be considered.

5. Even otherwise the Act has undergone change in the year 2016, the provisions are also changed. The stipulation of time has to be adhered to as per Sections 108 & 109 of the Universities Act.

6. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE