

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4986 OF 2018

Shree Sangameshwar Education Society ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Vishwanath Patil, Advocate, i/by Y. D.Patil for the Petitioner.

Ms. Kavita N. Solunke, AGP for the State.

Mr. P. N. Joshi, Advocate I/by Mr. I. M. Khairadi for Respondent Nos. 2 and 3.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JUNE 10, 2019.

PC :

1 The Petitioner is aggrieved by the State Government's communication dated 15th March, 2018, refusing and/or rejecting the request of the petitioner to accord permission to open a new Law College at Solapur. The application tendered by the Petitioner, seeking permission to open a new Law College, was in response to the Notification issued by the Government, calling applications for according permission for new law colleges during the academic year 2018-19. It is not the matter of dispute that the location of a Law College was included in the perspective plan prepared by the University for the year 2018 and the notification, inviting

the application, is issued on 12.09.2017. The proposal tendered by the petitioner was scrutinized and was forwarded to the State Government. According to the Petitioner the objections raised have already been removed and as such the directions be issued to the State as well as the Respondents to reconsider the proposal of the Petitioner for according approval to start a new Law College at Solapur. The Petitioner contends that the proposal was to be considered for the academic year 2018-19. The Notification issued on 12.09.2017 referred to the process of permission to be accorded during academic year 2018-19. It is undisputed that the academic year 2018-19 is over and in view of the provisions of section 107 of the Maharashtra Public University Act, the location where the petitioner proposes to open a college shall be available in the prospective plan prepared by the University. Section 107 of the Maharashtra Public University Act mandates the Universities to prepare a comprehensive perspective plan for every five years and get the same approved by Commission. It is provided that the plan shall be prepared for the location of colleges and institutions of higher learning in a manner ensuring comprehensive equitable distribution of facilities for higher education having due regard, in particular, to the needs of unserved and under-developed areas within the

jurisdiction of the university. Such a plan shall be prepared by the Board of Deans and shall be placed before the Academic Council and the Senate through the Management Council. The plan shall include the new courses and faculties to be permitted which shall be determined by studying the social and economic needs of the region, job opportunities available and requirements of the industry and should be as per policies of and in conformity with the plans of the State Government and the National Policy for Higher Education for achieving National and State objectives of higher access, equity, excellence, research, relevance and quality.

Sub-section 5 of Section 107 provides that the University shall initiate a time bound programme to prepare an annual plan every year for the location of colleges and institutions of higher learning, in consonance with the perspective plan and shall publish it before the end of academic year preceding the year in which the proposals for the opening of new colleges or institutions of higher learning are to be invited.

2 Though it is contended by the petitioner that the location Solapur has been included in the perspective plan prepared by the University for five years and an affidavit-in-reply has been presented on behalf of Respondent Nos. 2 & 3 - Solapur University, wherein it

has been categorically stated that for the academic year 2019-20 there is no provision made in annual plan for opening law college at the Solapur. Since the location - Solapur - is not included in the annual plan prepared within contemplation of section 107 (5) of the Act, the request made by the Petitioner for issuance of direction to the Respondents to accord approval for opening of a law college at Solapur during the academic year 2019-20, does not deserve to be considered. It would be open for the petitioner to tender a proposal as and when University includes the said location in the annual plan and proceeds to issue a notification, calling the applications from the educational institutions for setting up new law college.

3 Since the academic year 2018-19 has come to an end, the request made by the petitioner for issuance of directions to the Respondent State for consideration of the proposal tendered by Petitioner institution for the academic year 2019-20 does not deserve to be considered, more particularly in view of the circumstance that the location - Solapur - has not been included in the annual plan as provided under section 107 (5) of the Act.

4 For the reasons, as aforesaid, writ petition stands rejected.

(N.J. JAMADAR, J.)

(R.M. BORDE, J.)

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