

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

WRIT PETITION NO. 4847 OF 2019

Saraswati Shikshan Prasarak Mandal,
Jafrabad Through its President
Pradeep Shriram Ghodke .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Ankush N. Nagargoje, Advocate for Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.
Mr. Sambhaji S. Tope, Advocate for Respondent No. 4.

**WITH
WRIT PETITION NO. 3726 OF 2019**

Swargiya Harivanshrai Bachchan
Bahuuddeshiya Seva Bhavi Sanstha,
Paradh (Bk.) Through Secretary
Vikrant Rajendra Shrivastav .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Dr. Swapnil D. Tawshikar, Advocate for Petitioner.
Mr. S. G. Karlekar, AGP for Respondent No. 1.
Mr. Sambhaji S. Tope, Advocate for Respondent No. 2.

**WITH
WRIT PETITION NO. 4964 OF 2019**

Shri Chatrapati Shivaji Shikshan
Sanstha Bhokardan, Through its
President Ramdas Kaduba Kad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Mr. Vinod Y. Bhide, Advocate for Petitioner.
Mr. S. G. Karlekar, AGP for Respondent No. 1.
Mr. Sambhaji S. Tope, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 16th JANUARY, 2020.

PER COURT:-

. The petitioners are assailing the rejection of their proposals for start of Arts, Science and Commerce College at village Bharaj, Taluka Jafrabad, Dist. Jalna.

2. The learned counsel for the respective petitioners submit that the reasons given for rejection of the proposals are totally erroneous. It is after considering the requirement of college in a particular faculty, the perspective plan is prepared. The place at Bharaj finds place in the perspective plan. The perspective plan is prepared for five years from 2019 to 2024. The rejection of the proposals is on the ground that there is a college of the same faculty in nearby vicinity. There is already existing Arts, Science and Commerce College and so the permission is refused. If a particular location has place in the perspective plan, it is not open for the respondents to reject the proposals on the ground that another college exists in nearby vicinity. It is only after considering the need for the college in a particular faculty, perspective plan is prepared. According to the learned counsel, the respondents be directed to

consider the proposals of the petitioners afresh on its own merits.

3. In Writ Petition No. 3726 of 2019, the proposal is also rejected on other grounds which according to the learned counsel for the petitioner are erroneous.

4. Mr. Tope, learned counsel submits that for the year 2020-21 the location Bharaj does not find place in the perspective plan. The same is deleted.

5. We have considered the submissions canvassed by the learned counsel for the respective parties.

6. The judgment of this Court in Writ Petition No. 6366 of 2018 and Writ Petition No. 5531 of 2018 dated 07.06.2019 would not inure to the benefit of the petitioners. In the said case, the Government had not taken any decision as the University had submitted the proposal late. It was fault of the University in submitting the proposal late. Considering the said aspect, this Court had passed the order directing State Government to pass orders on the proposal.

7. In the present case, the Government has passed orders on the proposals of the petitioners thereby negating their proposals. Except in Writ Petition No. 3726 of 2019 the only reason for rejecting the

proposals of the other writ petitioners is that there is a college of the same faculty in nearby vicinity. Naturally, the Government is required to consider the proposals on merits considering the fact that, the said place was shown in the perspective plan for the year 2019-2020. The Government is a final authority either to grant or reject the permission. It is submitted by the learned counsel for the University that the place Bharaj where all these petitioners had applied, does not find place in the perspective plan for the year 2020-2021.

8. In absence of the location where the petitioners had applied, finding place in the perspective plan for the year 2020-2021, the contention and claim of the petitioners cannot be considered on merits.

9. The petitioners are at liberty to take steps with regard to the deletion of place Bharaj from the perspective plan. In that event, all contentions of the petitioners are kept open.

10. Writ petitions accordingly are disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.