

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

138 WRIT PETITION NO. 5803 OF 2020

PRAVARA RURAL EDUCATION SANSTHA'S
PADMASHREE VIKHE PATIL COLLEGE OF ARTS, COMMERCE
AND SCIENCE, THROUGH ITS PRINCIPAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner:

Mr. V. D. Hon i/b. Mr. A. V. Hon
A.G.P. for Respondent No. 1: Mr. K. N. Lokhande
Advocate for Respondent No. 2: Mr. A. R. Joshi

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**CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATE: 02nd NOVEMBER, 2020

PER COURT:

1. Mr. Hon, learned Senior Advocate for the petitioner submits that the petitioner had applied for start of new courses viz. [1] M.Sc. Microbiology and [2] B.Sc. Statistics, the proposal is not considered. During the pendency of the petition, the respondent placed on record an order dated 25.09.2020 negating the proposal of the petitioner. The learned Senior Advocate submits that on wrong reasons; the proposal has been negated. The term deposit of Rs.8,00,000/-

is valid up to December-2020 and the renewal was placed along with the proposal. The *Hamipatra*, as required, is also with the proposal. The petitioner has also given affidavit that it would pay the salary and other expenses from its own funds and will not claim it from the Government. The institution is old one, wherein number of colleges are functioning. The petitioner is not seeking permission to start new college but only two courses in the existing college. The objection of the construction permission and / or the completion certificate is also illegal.

2. The learned A.G.P. submits that the deficiencies were communicated to the University. It is for the University to communicate the same to the petitioner.

3. It appears that the State of Maharashtra on the ground of certain deficiencies negated the proposal of the petitioner to start two courses in the existing college under order dated 25.09.2020. The same does not appear to have been communicated

to the petitioner. The same appears to have been passed during the pendency of the petition.

4. The petitioner was required to be communicated all the deficiencies and opportunity given for rectification as contended by the petitioner.

5. The term deposit placed on record shows that the same is valid up to December – 2020. The *Hamipatra* is also given. The affidavit is filed by the petitioner that it will bear the salary and non salary expenses from its own funds, however the word '*it would not claim grants permanently*' does not appear in the affidavit. The learned Senior Advocate submits that the petitioner is only starting two new courses in the existing college. The permission was sought only for two additional courses. The completion certificate is necessary. The same ought to have been produced by the petitioner.

6. Considering that the petitioner was not communicated of any of the deficiencies and that

the term deposit *prima facie* appears to be renewed up to December – 2020, the *Hamipatra* is also given, the affidavit is also filed, we pass the following order.

7. The State Government shall re-consider the proposal of the petitioner for start of two additional courses i.e. [1] M.Sc. Microbiology and [2] B.Sc. Statistics. The same shall be considered for academic year 2021-2022, of course in accordance with the perspective plan and as per its policy. The petitioner may place on record the commencement certificate as well as completion certificate and the F.D. should also be renewed for further period. The petitioner may also place on record the affidavit that it would not claim grants permanently. The same shall be placed within one (01) month before the State Government. The State Government shall take decision thereafter within one (01) month i.e. before the start of the academic year 2021-2022.

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

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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