

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

WRIT PETITION NO. 5944 OF 2020

Dhandaimata Education Society's
Arts & Science College, Amalner,
Dist. Jalgaon Through its President
Dattatray Dayaram Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Rahul S. Pawar, Advocate for the Petitioner.

Mr. S. R. Yadav-Lonikar, AGP for Respondent Nos. 1 and 2.

Mr. Y. B. Bolkar, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 16th OCTOBER, 2020.

PER COURT:-

. The petitioner has submitted a proposal for approval to the Third Year B.Sc. course with special subject to the petitioner's college. The same appears to have been negatived under order dated 24.08.2020 for the solitary reason that uncertified copy of the construction permission is submitted.

2. It is not disputed that the petitioner is running First Year and Second Year B.Sc. course with special subject under the permission of the respondents. It appears that on the ground of natural growth, the petitioner

applied for Third Year B.Sc. course with special subject.

3. The gravamen of the petitioner's contention is that the petitioner was never intimated about any deficiency, nor the impugned order was intimated.

4. According to the learned A.G.P the impugned order was intimated to the University and it was for the University to intimate the same to the petitioner. As mandatory condition is not satisfied the order is rightly passed.

5. It appears that along with additional affidavit under the digital signature of the Chief Officer the petitioner has placed on record the construction permission / commencement certificate dated 06.02.2020.

6. We are not entering into the arena of dispute as to whether the petitioner was intimated about the deficiency.

7. Considering the additional documents produced by the petitioner, we direct the respondent Nos. 1 and 2 to reconsider the proposal of the petitioner for start of Third Year B.Sc. course with special subject on its own merits. The decision shall be taken expeditiously and preferably within a period of one (01) month from today. In that case the impugned order would not be an impediment.

The petitioner shall file copy of the sanctioned commencement certificate / construction permission with the respondents within a period of one (01) week from today.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.