

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1756 OF 2020
TULJAMATA EDUCATION SOCIETY THROUGH IT'S PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.K.K.Kulkarni, Advocate for the petitioner.

Mr.S.R.Yadav, AGP for respondent No.1.

Mr.V. U.Pawar h/f Mr.S.S.Tope, Advocate for respondent No.2.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : SEPTEMBER 22, 2021

PER COURT :

1. By this petition, the petitioner has put forth prayer clause 'C' and 'D' as under :-

"C. This Hon'ble Court may kindly be pleased to quash and set aside the communication dated 07.02.2019 issued by the Desk Officer, Higher and Technical Education Department, Mantralaya Mumbai [communicated to petitioner vide communication dated 16.02.2018 via respondent No.2].

D. This Hon'ble Court may kindly be pleased to direct the respondent No.1 to accord its sanction/permission to the proposal of petitioner for opening of Junior College, at Village Kati, Tuljapur."

2. We had extensively heard the learned Advocates for the respective sides on 14/09/2021 and we had posted the matter today in the light of the submissions canvassed before us.

3. After hearing the learned Advocates, we were convinced that the impugned order dated 07/02/2021 and the accompanying annexures containing the list of deficiencies noticed by the Government, as grounds for declining to issue a letter of intent to the petitioner for starting a new College at the place mentioned in the above reproduced prayers, calls for interference.

4. On our scrutiny, it was apparent that the proposal of the petitioner containing the fulfillment of requirements including the presentation of a fixed deposit receipt for a particular amount, for a particular duration, were not considered by the Government while listing out the deficiencies. We were convinced that the Government appeared to have referred to a completely different file and the details in that file, which are totally distinct from the contents of the file/proposal of the petitioner. We, therefore, called upon the learned

Advocate for the university to inform the Court as to whether the requirement for starting the new Arts, Science and Commerce college at the concerned place is still unfulfilled.

5. Mr.Tope, the learned Advocate representing the university submits on instructions that the requirement of Arts, Science and Commerce Junior College at the concerned place is not fulfilled and the University would have no issue if the Government favourably considers the proposal of the petitioner.

6. In view of the above, we are avoiding going into the details of the proposal of the petitioner which we have already verified while recording the submissions of the learned Advocate and having noticed that the proposal filed by the petitioner has not been scrutinized by the Government while passing the impugned order, that this petition is allowed in terms of prayer clause 'C'.

7. We, therefore, direct respondent No.1 to consider the proposal filed by the petitioner as is forwarded by respondent No.2/ University with its positive recommendations, and conduct a close scrutiny strictly

in accordance with the procedure applicable. If it finds that the proposal is worthy of consideration and there are no legal impediments, respondent No.1 would proceed to initiate steps as are prescribed in Law. We expect this exercise to be completed within 4 months for the academic year 2022-2023.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)