

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
100 WRIT PETITION NO.6640 OF 2021**

GRAMIN LOKVIKAS PRATISHTHAN GREEN SWASTIK
FOUNDATION THR ITS PRESIDENT

..PETITIONER

VERSUS

THE GOVERNMENT OF MAHARASHTRA AND OTHERS

..RESPONDENTS

...

Mr. V. D. Sapkal, Senior Advocate i/by Mr. Ajit B. Chormal and Mr. S. T. Chalikwar, Advocates for the Petitioner.

Mrs. M. A. Deshpande, AGP for Respondents-State.

Mr. S. S. Jadhavar, Advocate for Respondent No.3.

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CORAM : S. V. GANGAPURWALA &

R. N. LADDHA, JJ.

DATED : 12th JULY, 2021.

PER COURT:-

1. We had heard Mr. Sapkal, learned senior counsel for the petitioner, learned A.G.P. for respondent nos.1 and 2 and Mr. Jadhavar, learned counsel for respondent no.3.

2. The challenge in the present writ petition is to the Government Resolution dated 03.05.2021 providing for the procedure to start new short term courses. The challenge was basically on the premise that the procedure prescribed is not in consonance with the Section 26 of the Maharashtra State Board of Technical Education Act, 1997. The Government under the Executive Instructions cannot modify the stipulation provided under the provisions of the Maharashtra State Board of Technical Education Act, 1997.

3. Mrs. Deshpande, learned A.G.P. has placed on record the communication received by her. The communication placed by the learned A.G.P. is taken on record and marked 'X' for identification. Under the said communication it is clarified that, unless the Statute is amended, the proposals received on the basis of the Government Resolution dated 03.05.2021 would not be processed.

4. As respondents are not going to process the proposals received pursuant to the Government Resolution dated 03.05.2021 unless and until the amendment is effectuated in the Statute, at present the grievance of the petitioner would not subsist.

5. The amendment in the Statute is not yet effectuated.

6. Today one cannot assume that the Statute would be amended. If the Statute is amended, the person aggrieved would have opportunity to assail amendment and all further steps taken pursuant thereto.

7. In view of the above, keeping all contentions open, Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE