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

927 WRIT PETITION NO.7778 OF 2021

SIDHARTH PRATISHTHAN BEED

THR ITS PRESIDENT

PROFESSOR DR DADASAHEB JOGDAND

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA

THR SECRETARY AND OTHERS

..Respondents

...

Mr C.V. Thombre, Advocate for the Petitioner

Mr A.R. Kale, AGP for Respondent No.1

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 13-08-2021

PER COURT : -

1. Mr Thombre, learned Advocate for the petitioner submits that the petitioner is a minority institution. The application of the petitioner is not considered on the ground that the location where the petitioner intends to start the senior college is not included in the master plan. The learned Advocate submits that, the provisions of Section 109 of Maharashtra Public Universities Act, 2018 is not applicable to the petitioner institution. In light of that, the respondents be directed to issue letter of intent to the petitioner to start the Senior Arts, Science and Commerce College at Shirur (Kasar), Dist. Beed.

2. The learned Advocate for the petitioner relies on the following judgments :

- (i) Manorama (Prof.) Prakash Khandekar Vs. State of Maharashtra and others reported in [2020 (4) Mh.L.J.]
- (ii) Hyderabad (Sind) National College Board & another Vs. University of Bombay and others reported in 1992 (3) Bom.C.R. 712

3. The learned AGP accepts notice for respondent no.1.

4. The master plan is required to be prepared by the University in accordance with the report of the Committee. As per the Maharashtra Public Universities Act, no distinction is made between the minority and non-minority institution. The purpose of preparing a perspective plan is to eliminate unhealthy competition.

5. In a case of **Manorama Vs. State** (supra), the Hon'ble Apex Court observes that 'right to administer a minority educational institution is not an absolute right and there is requirement to comply with conditions of recognition and affiliation'. It is further held that, 'the applicability of the provisions of Article 30 (1) of the Constitution would not make a minority institution immune from the operation of regularity measures'.

6. In the case of **Hyderabad (Sind) National College Board** (supra) it was observed that 'the Govt. Resolution prescribing not to apply reservation for Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts to the minority institutions will have to be adhered to and the University is bound by the same'.

7. In the present case, respondent nos.3 and 4 are issued with the letter of intent.

8. According to the petitioner its proposals were not recommended, however it is within the domain of the State Government to consider all the pros and cons before issuing letter of intent. The Expert Committee report also can be considered.

9. Except the aforesaid deficiencies, no other deficiencies are pointed out in the proposals of respondent nos.3 and 4.

10. In light of the above, no interference is called for. Writ petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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