

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7707 OF 2021**

SHRI BHAVANI SHIKSHAN PRASARAK MANDAL THR ITS
SECRETARY SANJAY PRAKASH NIMBALKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Mohit R. Deshmukh, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondents-State.
Mr. S. G. Chapalgaonkar, Advocate for Respondent
No.3.

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

DATED : 22nd NOVEMBER, 2021.

PER COURT:-

1. The proposal filed by the petitioner for starting new M.Com course has been negatived. The same has been appears to be negatived on two counts (i) the audit report has not been submitted and (ii) documents as enumerated in Clause 11 of the Government Resolution dated 15.09.2017 are not submitted.

2. Mr. Deshmukh, learned counsel refers to the report of the University to contend that, the audit report of 2019-2020 has been submitted. He also contends that, his institution is NAAC A Grade accredited. The entire building is available. It is not that, the petitioner is starting new college. All the necessary permissions are available. The facilities are available. The University has also recommended and observed that entire infrastructure is available.

3. The learned A.G.P. submits that, considering the report of the Committee and after verifying the entire file, the deficiencies have been found.

4. The petitioner has placed on record the opinion of the Expert Committee of the University and also the communication of the University to the State Government that, the audit report of the year 2019-2020 has been placed on record. The petitioner claims to be NAAC A Grade accredited. The petitioner is only commencing new course in the existing college. The said aspect also ought to have been considered by the respondents.

5. In light of the above, the impugned communication qua the petitioner is quashed and set aside.

6. The respondents shall re-consider the proposal of the petitioner for starting new M.Com course afresh on its own merits. The same certainly shall be for the Academic Year 2022-2023.

7. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE