

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4898 OF 2021

Shrishakti Shaikshanik Sanstha
through Secretary Dr. D.D. Sonawane .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Ms.Pooja V. Thorat a/w Mr.Madhav V. Thorat, Mr.Anukul B. Seth and
Mr.Amar Bodke for the petitioner.
Mr.N.C. Walimbe, AGP for the respondent no.1 -State.
Mr.Vivek V.Salunke for the respondent no.3.

**CORAM : R.D. DHANUKA
ABHAYAHUJA, JJ.
DATE : 15th September 2021
(through Video Conferencing)**

P.C.:-

. The matter was argued for some time. We have heard the learned counsel for the parties.

2. Mr.Salunke, learned counsel for the respondent no.3, on instructions, states that his client has no objection if the impugned Government Resolution dated 17th May 2021 to the extent it issues Letter of Intent in favour of the respondent no.3 is quashed and set aside and the proceedings are restored before the State Government for passing a fresh order in accordance with law. Statement is accepted.

3. In view of the statement made by the learned counsel for the respondent no.3, we pass the following order :-

(i) The Government Resolution dated 17th May 2021 to the extent it issues Letter of Intent in favour of the respondent no.3 is quashed and set aside.

(ii) Application filed by the petitioner and the respondent no.3 are restored to file before the State Government for considering the case of both the parties on merits and to decide as to in whose favour Letter of Intent shall be granted followed by Letter of Permission.

(iii) The State Government shall pass a reasoned order and shall indicate as to why the application of one party is rejected whereas the application of another party is accepted.

(iv) All contentions of both the parties including the contention that State Government has to consider the position of the infrastructure and the deficiencies, if any, on the date of original Letter of Intent is issued in favour of the respondent no.3 is kept open.

(v) The Secretary of Higher Education is directed to give personal hearing to the authorised representatives of the petitioner as well as the respondent no.3 and after considering the submissions and the documents produced shall decide the matter afresh.

(vi) If the order is adverse against the petitioner, the same shall not be implemented for a period of two weeks from the date of communication of the said order. During that period, Letter of Permission shall be issued in favour of the respondent no.3.

(vii) The authority to dispose of the application expeditiously and not later than six weeks from today.

(viii) It is made clear that this Court has not expressed any views on merit of the matter. All contentions of the parties on merit are kept open.

4. Writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

ABHAY AHUJA, J.

R.D. DHANUKA, J.