

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1561 OF 2020

Umang Kala Niketan, Nagpur Thr. Secretary Vaishali Fuley, Koradi Road, Panjara, Nagpur
-vs-

State of Maharashtra, Thr. Secretary, Higher and Technical Education Dept. Mantralaya,
Mumbai and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri B. G. Kulkarni, Advocate for petitioner.
Smt S. Jachak, Assistant Government Pleader for respondent No.1.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : December 14, 2021

P.C.

Rule. Rule made returnable forthwith and heard finally.

The learned counsel for the petitioner at the outset submits that the petitioner desires to prosecute the writ petition only with regard to prayer Clause (ii) therein.

2. It is the case of the petitioner that on 04/04/2019 the respondent No.2-University has recommended the petitioner-Institution for conducting the courses in B.Com., M.Sc. (Clinical Nutrition and Dietetics) and M.Sc. (Textile Science and Apparel Design) in the academic year 2019-20. The respondent No.1 on 06/07/2019 was pleased to reject the said proposal and it is the case of the petitioner that this rejection was without granting any opportunity to the petitioner to remove the deficiencies as stated. In the aforesaid backdrop the present writ petition has been filed.

3. It may be stated that on 16/07/2021 this Court was pleased to dispose of the writ petition on the premise that the petitioner was minority institution and hence no approval from the State Government was required for starting such courses. This order however was reviewed on 03/12/2021 and after recalling the same the writ petition was restored for fresh adjudication.

4. Shri B. G. Kulkarni, learned counsel for the petitioner submits that since the only direction sought is with regard to consideration of the proposal for starting aforesaid courses which is pending with the respondent No.1, direction in that regard may be issued. Permission if granted could be considered for the academic session 2021-22.

5. Smt S. Jachak, learned Assistant Government Pleader for respondent No.1 however has referred to the Government Resolution dated 13/09/2017 to submit that the earlier proposal having been made in the academic year 2019-20, the same cannot be considered now. She has invited attention to paragraph 11 of the affidavit filed by the respondent No.1 in which it is stated that a fresh application for grant of such permission is warranted.

6. The learned counsel for the petitioner however submits that proposal that was made in the academic year 2019-20 itself be considered and a decision thereon be taken since the writ petition was filed on 18/03/2020.

7. At this stage we need not go into this aspect in view of the directions proposed to be issued. Accordingly, the writ petition is disposed of by passing the following order :

The respondent No.1 shall take a decision on the proposal moved by the petitioner for starting courses mentioned above for academic year 2019-20 in accordance with law.

The respondent No.1 is free to hear the petitioner before taking a decision if found necessary. Such decision on the proposal be taken within period of two months from today and the same be communicated to the petitioner.

It is made clear that we have not expressed any opinion on the question whether the proposal for the year 2019-20 can be considered in the academic year 2021-22 and the respondent No.1 is free to take a decision in accordance with law. All points are kept open.

Rule is disposed of accordingly. No costs.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)