

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4593 OF 2022

Prakashchand Jain Bahuuddeshiya Sanstha's
Shri. Prakashchand Jain College of
Physiotherapy and Research,
Palaskheda Bk., Tq. Jamner, Dist. Jalgaon,
Through its Secretary
Manojkumar S/o. Prakashchand Kawdiya,
Age 52 years, Occu. Business,
R/o. Mayur Complex, Jamner,
Taluka Jamner, District Jalgaon .. Petitioner

Versus

1. The State of Maharashtra
Through the Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai – 32.
2. Maharashtra University of Health
Sciences, Nasik
Dindori Road, Mhasrul,
Nasik – 422 004
Through its Registrar .. Respondents

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Mr. Tukaram M. Venjane, Advocate for Petitioner
Mr. A. R. Kale, A.G.P. for Respondents – State

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CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.

DATE : 28-04-2022

ORAL JUDGMENT
(PER : R. D. DHANUKA) :-

Rule. Learned A.G.P. waives service of notice for

respondents. Rule made returnable forthwith. Heard finally with consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of *mandamus* against the respondent – State Government to forthwith consider the proposal of the petitioner - institute for intake of 60 students for Physiotherapy College for GNM course from the academic year 2021-22.

3. It is submitted by the learned counsel for the petitioner that, the petitioner - trust had filed proposal to the respondents to issue essentiality certificate / permission in favour of petitioner for starting the Physiotherapy College and conducting examination thereof. The inspection has been carried out by the committee on 03.02.2021. On 02.10.2021, after conducting the inspection, the respondent - committee has given positive recommendation and report has been forwarded to the respondent no.1 – State Government for further approval and grant of permission to the petitioner for intake of 60 students from the current academic year. On 10.11.2021, the petitioner made representation to the State Government to consider the proposal at the earliest, but, no action has been taken by the State Government till today. The writ petition is filed on 22.04.2022.

4. Learned counsel for the petitioner submits that, last date for granting admission for the said Physiotherapy College is 30.04.2022 and State Government may be directed to decide proposal by tomorrow.

5. Though, the inspection was completed and the recommendation was made by the committee as per report dated 22.10.2021 and the petitioner did not file present writ petition expeditiously and now seeks a decision on the proposal. We are not inclined to allow this petition to decide proposal of the petitioner by tomorrow on the ground of delay. Writ petition is dismissed. No order as to the costs.

6. If any application is made for next academic year by the petitioner, the same may be considered on its own merits. Respondent - committee is directed to decide the proposal made by the petitioner expeditiously.

7. Rule stands discharged.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE