

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

WRIT PETITION NO. 6868 of 2019

Drushti Bahuuddeshiya Sanstha,
Ralegaon, District Yavatmal, through its
Secretary, Mangesh P. Chaudhari,
Aged about 40 years,
R/o. Karla Chowk, Wardha.

..... **PETITIONER**

...V E R S U S...

1. The State of Maharashtra,
through its Secretary, Department of
Social Justice and Special Assistance,
Mantralaya, Mumbai-32.
2. The State of Maharashtra, through its
Principal Secretary, Department of Higher and
Technical Education, Mantralaya,
Mumbai-32.
3. The Rashtrasant Tukdoji Maharaj Nagpur
University, Nagpur through its Registrar,
Nagpur.

..... **RESPONDENTS**

Shri A.I. Sheikh, Advocate for petitioners.
Shri A.S. Fulzele, Additional Government Pleader for respondent nos. 1 & 2.
Shri R.D. Bhuibhar, Advocate for respondent no. 3.

CORAM :- A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- SEPTEMBER 07, 2022.

ORAL JUDGMENT (Per A.S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner-Society intends to start a college in the subject of Social Work. According to it in the prospective plan prepared by the respondent No.3-University, there is a need for Social Work colleges. Pursuant to the advertisement issued by the University on 14.12.2015, the petitioner submitted its application and sought permission to open Social Work college. The petitioner's proposal was recommended by the Expert Committee of the University. Said proposal alongwith recommendations was forwarded to the State Government. However, as no action was taken on the said proposal, the petitioner had moved this Court seeking expeditious consideration of the proposal. On 02.02.2017 the proposal moved by the petitioner came to be rejected by the respondent no.1. This rejection was in view of Government Resolution dated 24.08.2004. Being aggrieved the petitioner had challenged the order of rejection by filing Writ Petition No.7570 of 2017. On 07.02.2018 this Court allowed the writ petition and directed re-consideration of the petitioner's proposal in the light of the report of Dr.Narendra Jadhav Committee.

Yet again on 18.07.2019 the State Government has rejected the proposal by relying upon the Government Resolutions dated 10.04.2001 and 24.08.2004. This order of rejection is the subject matter of challenge in the present writ petition.

3. Shri A. I. Sheikh, learned counsel for the petitioner submitted that reliance placed on the Government Resolution dated 24.08.2004 by the State Government was unwarranted in view of the fact that the Expert Committee of the University had recommended starting of Social Work colleges. It was submitted that by the earlier order dated 02.02.2017 the proposals of five colleges came to be rejected. One such college had preferred Writ Petition No.2444 of 2017 (*Late Shri Dnyaneshwarji Menghare Bahu Uddeshiya Shikshan Sanstha vs. The State of Maharashtra and others*) and on 07.11.2017 this Court had directed re-consideration of the matter. The proposal being again rejected, the same was challenged by that Society in Writ Petition No.2572 of 2018 (*Late Shri Dnyaneshwarji Menghare Bahu Uddeshiya Shikshan Sanstha vs. The State of Maharashtra and others.*). This Court on 20.07.2018 allowed the writ petition in the light of the perspective plan and the recommendations of the University. A direction was issued to the State Government to grant necessary permission. He has also invited attention to the order dated 20.11.2020 passed in Writ Petition No.11579/2019 (*Ashwamedh Bahuuddeshiya Shaikshnik Va Samajit Sanstha, Osmanabad Vs. The State of Maharashtra and others*) with connected writ petitions at the Aurangabad Bench where also similar directions were issued. It is thus prayed that the permission as prayed for is

granted.

4. Shri A.S.Fulzele, learned Additional Government Pleader for the respondent nos. 1 and 2 has referred to the affidavit in reply and especially paragraph 7 to urge that permission was granted to other similarly situated societies in view of the orders passed in the writ petitions preferred by them. Reference has also been made to the Government Resolution dated 24.08.2004.

Shri R. D. Bhuibhar, the learned counsel for the respondent No.3 - University submitted that in the perspective plan there was a need for Social Work colleges and the proposal of the petitioner had been recommended by the University.

5. On perusing the documents on record, it is clear that this Court has observed that the ban to open new colleges pursuant to the Government Resolution dated 24.08.2004 was not relevant insofar as Social Work colleges are concerned. It has referred to the report of Dr. Narendra Jadhav Committee while recommending establishment of new Social Work college. In the initial order dated 02.02.2017 the proposal of five colleges were rejected. Out of those five proposed colleges one of them preferred Writ Petition No.2573 of 2018 wherein this Court had directed the State

Government to grant necessary permission. Though this order was challenged before the Hon'ble Supreme Court by filing Special Leave Petition(Civil) No.1145 of 2019, the same came to be dismissed.

6. At the Aurangabad Bench of this Court similar course has been followed and the State Government has been directed to grant permission to Colleges in the subject of Social Work. We find that the present petitioner is similarly situated and such permission also deserves to be granted to it in view of similarity of circumstances.

7. Accordingly for the reasons contained in the order dated 20.07.2018 passed in Writ Petition No.2573 of 2018 we are inclined to grant similar relief. It is directed that the State Government shall grant permission to the petitioner-Society for starting the Social Work college in the academic session 2023-24. Necessary directions be issued by the State Government within a period of eight weeks from receipt of copy of this judgment. The petitioner would thereafter be required to follow the prescribed procedure before actually starting its new college.

Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)