

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

950 WRIT PETITION NO.2171 OF 2023

BHAGWANBABA GRAMVIKAS SANSTHA
THROUGH ITS PRESIDENT
SANJAY EKNATH BADE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Girase Amarjitsing B.
AGP for Respondent Nos. 1 to 3 : Mr. S.B. Yawalkar
Advocate for Respondent Nos. 4 & 5 : Mr. V.P. Golewar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 21 SEPTEMBER 2023

PER COURT :

We have heard both the sides finally.

2. The petitioners the Society and the College is aggrieved by the impugned communication dated 16 January 2023, whereby, the Letter of Intent (LOI) issued to them under the Provisions of the Maharashtra Public Universities Act, 2016, has been stayed.

3. Going by the reasoning contained in the impugned communication, it is only pursuant to the interlocutory order dated 21 July 2022, passed in Writ Petition No. 5600 of 2022 and 6065 of 2022 that the impugned communication was issued. Ex facie, this communication does not contain any other ground much less pointing out as to how the petitioners were not entitled to have the LOI.

4. The interlocutory order passed in Writ Petition No. 5600 of 2022 and 6065 of 2022, which forms the basis for the impugned communication the interlocutory order read as under :

“1. Issue notice to the respondents, returnable on 04.08.2022. The learned A.G.P., Shri. Thombre, Shri. Joshi / Shri. Golewar, waive service of notice on behalf of the respective respondents.

2. In the event, the State has issued Letter of Intent (LOI) to any applicant, further orders of granting the college or in furtherance of the LOI, shall not be passed without the leave of the Court.”

5. There is no dispute about the fact that no other Institute is objecting to the petitioner's proposal to start a college. In fact, after the compliance of all the necessary requirements under the Maharashtra Public Universities Act, it was granted permission and affiliation and had started the first year by admitting forty three students to B.Sc. Course in the last academic year.

6. Since no other Institute has been raising any issue pertaining to the LOI granted to the petitioner, merely because in the other two matters, the interlocutory order was passed as indicated herein above that the impugned communication has been issued.

7. Once having seen that the petitioners have been granted permission and affiliation by following due process of law and that there

is no dispute about its entitlement, when already in the first year it could start the college, the impugned order passed unmindful of the aforementioned facts and simply on the basis of the observations of the Court in some other unconnected matters is certainly illegal and deserves to be quashed and set aside.

8. Pertinently, the LOI granted to the petitioner is not the subject matter, directly or even indirectly, in Writ Petition Nos. 5600 of 2022 and 6065 of 2022.

9. In the light of the above, we allow the Writ Petition, quash and set aside the impugned communication.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/