

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3414 OF 2023

ALLAMA MOHD TAHER EDUCATIONAL AND CAREER
AMTEC FOUNDATION THROUGH ITS SECRETARY
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND ANOTHER

...
Advocate for the Petitioner : Shri S.S. Thombre
AGP for Respondent 1/State : Shri S.K. Tambe
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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 28th March, 2023

Per Court :-

1. The Petitioner has put forth prayer clauses B and C
as under:-

“B) *By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, direct Respondent No.1 to issue LOI to petitioner's institute of paramedical science & Technology Beed for academic year 2022-23 and for that purpose issue necessary orders;*

C) *By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, Respondent No. 1 & Respondent no.2 may kindly be permitted to issue LOI to petitioner and grant permission for starting new*

college i.e institute of paramedical science & technology at Beed for B.Sc in Clinical Laboratory Science (CLS) for the academic year 2022-23 and for that purpose kindly issue necessary orders.”

2. It is pointed out that pursuant to the notification dated 22.04.2022 published by Respondent No.2 University, the Petitioner Management had applied for starting a graduation course at Beed in the faculty known as Clinical Laboratory Science. Respondent No.2 University forwarded the proposal of the Petitioner with positive recommendations to Respondent No.1. The same is pending, probably because of certain matters pending before this Court.

3. We are shown an order dated 24.02.2023 passed by this Court in Civil Application No.12057/2022 in Writ Petition No.6668/2022 (***Bhagwanbaba Sevabhavi Sanstha, Tadsonna vs. Adarsh Shikshan Sanstha's Arts, Science and Commerce College and others***) and a group of matters, wherein, we have recorded in paragraph 3 as follows:-

“3. *It requires neither any speculation, nor a debate that this order would be restricted to those applicants, with regard to whom the aggrieved petitioners are before the Court. In short, the issue raised by these petitioners, being in connection with particular locations to start*

collages, the order passed by us would bind only those applicants, who stake a claim to open colleges at such locations, where the petitioners, either have existing colleges or are opposing to start new colleges or are competing to start new colleges. Hence, it is clarified that, the ad interim relief granted by this Court in these matters, would be restricted to those locations and in connection with the affiliated Universities, with regard to which, the causes of action have been raised in these petitions.”

4. The learned AGP submits on behalf of the State that the pending proposal of the Petitioner would be considered only if there is no legal impediment.

5. In view of the above, **this Writ Petition is disposed off.**

6. In the absence of any legal impediment, Respondent No.1 would take a call on the proposal of the Petitioner, on or before 31.05.2023.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)