

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

WRIT PETITION NO.2130 OF 2021

Yash Bahuuddeshiya Shikshan Sanstha,
Bidkin, Tal. Paithan, Dist. Aurangabad
Omprakash s/o Natthuram Jaiswal

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through Principal Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai – 32.

2. The Registrar,
Dr. Babasaheb Ambedkar Marathwada
University Bhadkal Gate, Aurangabad

... **RESPONDENTS**

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Advocate for petitioner: Mr. V.S. Undre
Addl. G.P. for respondent No.1 : Mr. M.M. Nerlikar
Advocate for respondent No.2 : Mr. S.S. Tope

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**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 06.12.2023

ORDER (MANGESH S. PATIL, J.) :

After hearing both the sides extensively, and after we expressed our disinclination to grant any relief to the petitioner on merits, the learned advocate for the petitioner, on instructions, seeks leave to withdraw the writ petition.

2. In the normal course the request of the learned advocate would look innocuous. However, as we would demonstrate hereinafter

the petitioner has been misusing the process of law.

3. The petitioner is coming with following prayer :

“A. *By issuing writ of mandamus or any other writ in the like nature, this Hon’ble Court may kindly be pleased to direct the respondent No.1 to decide the representation dated 16.09.2020 filed by the petitioner educational institute for issuance of Letter of Intent to start the Arts, Commerce and Science Women’s College at Bidkin Tal. Paithan Dist. Aurangabad/Petitioner Institute.*”

4. Again, at the first blush the prayer seems to be straight forward and innocuous. However, the things are not as straight. The petitioner is a management which intends to start a new Arts, Commerce and Science Women’s College at Bidkin, Tal. Paithan. The representation which it seeks to be considered by the respondent No.1 dated 16.09.2020 is also for the same purpose.

5. However, it is necessary to note that in fact the petitioner’s proposal and a specific relief being claimed by him for direction to the State to grant letter of intent to it was expressly declined by this Court by speaking order passed in Writ Petition No.3065/2019 dated 18.02.2020. Although in that petition the petitioner was challenging the Government Resolution granting letter of intent to the respondent No.3 therein, simultaneously, it was also seeking a letter of intent in its favour pursuant to the selfsame recommendation forwarded by the University. Once having noticed that the petitioner’s request and a specific prayer for grant of letter of intent under the provisions of Section 109 of the Maharashtra Public Universities Act, 2016 was considered by this Court and was

expressly rejected, the petitioner's attempt to circumvent such a decision of this Court in the earlier writ petition, is nothing but misuse of the process of law. It is bent upon to seek the same relief circuitously by ingeniously drafting the petition and prayer, to simply seeking a direction for consideration of its proposal. We cannot overlook such inconceivable and if we may say so mischievous attempt.

6. In view of above, even if the petitioner is now seeking to withdraw the writ petition we grant such leave and dispose of the writ petition, by imposing costs of Rs.10,000/- which shall be deposited with the Registry within two weeks, else shall be recovered as arrears of land revenue.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE