

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

CIVIL APPLICATION NO. 8619 OF 2023

IN

WRIT PETITION NO.6991 OF 2023

WITH

WRIT PETITION NO.6991 OF 2023

SAU KAUSHALYABAI RAGHUNATH AGALE BAHUDDDESHIYA PRATISHTHAN
THROUGH ITS PRESIDENT

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Applicant : Senior Advocate Mr. V. D. Sapkal i/by Mr. Sapkal Sandip R

AGP for Respondents/State : Mr. P. S. Patil

Advocate for Petitioner in Writ Petition :Mr. A.N. Nagargoje

...

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

DATE : 13 JULY 2023.

PER COURT :

. Heard the learned Senior Advocate for the applicant, which is the original respondent no.4 in petition, learned Advocate for the petitioner and the learned AGP for State.

1. This an application seeking to revoke the interim order granted by us on 26.06.2023 which reads thus :

“Heard the learned Advocate for the petitioner and

the learned AGP.

2. The petitioner is challenging the annual plan by the Government which according to it, is not in consonance with the perspective plan. The petitioner is also alleging that the time schedule prescribed under Section 109 of the Maharashtra Public Universities Act, 2016 has been altered abruptly. There was no sufficient notice to the aspiring institutes to tender their applications. The time line has also not been followed while issuing letter of intent issued to the respondent no.4. The respondent no.4 was also non-compliant and still letter of intent has been issued to it beyond the cut-off date of 01.04.2023.
3. Issue notice to the respondents, returnable on 27.07.2023.
4. The learned AGP waives service of notice to respondents no.1 and 2.
5. The further process pursuant to the letter of intent may go on but the final permission in favour of the respondent no.4 shall not be issued till the next date."

2. The learned Senior Advocate Mr. Sapkal for the petitioner would bring to our notice that already permission was granted to the respondent no.4 vide order dated 15.06.2023 (Exhibit-B), even before this Court granted the interim relief. It is therefore quite apparent that when we granted interim relief which we were oblivious of the permission granted to the respondent no.4.

3. It is also pertinent to note that the petitioner is trying to get some undesired advantage from the order. It can be seen from the

communication Exhibit-G dated 27.06.2023 addressed by the petitioner to the Director of the University that by the order dated 26.06.2023, this Court had not only directed the process to go on, but not to grant permission but has gone to the extent of stating that even if the permission was granted to the respondent no.4, it was directed to be stayed up to 27.07.2023. This is an utter lie.

4. The conduct of the petitioner in indulging in a communication with his perception of the interim order for whatever reason needs to be deprecated. We had stated that the process for issuance of letter of intent would go on, but the final permission in favour of the respondent no.4 should not be issued. We had never contemplated any permission, which was already granted even before passing of the order much less had issued any direction to stay it till 27.07.2023.

5. Be that as it may, irrespective of our order, when it can be demonstrated that the permission was already granted to the respondent no.4, our interim order becomes inconsequential.

6. The civil application is allowed and disposed of.

7. At this juncture, the learned Advocate for the petitioner seeks leave to amend the petition in view of the permission granted to the respondent no.4. Leave is granted. Amendment to be carried out within two weeks.

8. List the petition for admission on 27.07.2023.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb...