

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

WRIT PETITION 4086 OF 2022

Petitioner : Varsha Bahuuddeshiya Mahila Prasarak Mandal,
 Bhandara,
 through its Secretary, Ramabai Ambedkar Ward,
 Tahsil and District Bhandara.
 – Versus –

Respondents : 1. State of Maharashtra,
 through its Secretary,
 Higher and Technical Education Department,
 Mantralaya, Mumbai - 32.
 2. The Director of the Higher and Technical
 Education,
 State of Maharashtra, Pune.
 3. Kavikulguru Kalidas Sanskrit University, Ramtek,
 through its Registrar, Prashaskiya Bhavan,
 Mouda Road, Tahsil Ramtek, Dist. Nagpur 441106.

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 Mr. Anand Parchure, Advocate for the Petitioner.
 Mrs. K.R. Deshpande, A.G.P for Respondents 1 & 2.
 Mr. B.G. Kulkarni, Advocate for Respondent 3.
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CORAM: **ROHIT B. DEO AND M.W. CHANDWANI, JJ.**

DATE : **7th JUNE, 2023.**

J U D G M E N T : *(Per Rohit B. Deo, J.)*

Rule. Rule made returnable forthwith. Heard finally with the
 consent of the learned Counsel appearing for the parties.

02] The petitioner initially sought a limited pleading that the proposals of the petitioner-institution dated 08/11/2021 be decided by the State of Maharashtra.

03] During the pendency of the petition, the proposals came to be decided by the State Government vide communication dated 29/06/2022.

04] Certain proposals, which were received from the petitioner-institution, were approved on the premise that the criteria as prescribed in Appendix-B to the Government Resolution dated 12/10/2017 stood fulfilled.

05] The proposals, which came to be rejected, are the permissions to start (1) Divyansh B.A. Prashashkiya Mahavidyalaya, Tekapur, District Bhandara and (2) Divyansh B.A. Prashashkiya Mahavidyalaya, Shrinagar (Pahela), Tah. and District Bhandara.

06] Perusal of the affidavit in response would suggest that the said proposals are rejected on the ground that Criterion No.11(A) prescribed in Appendix-B (*supra*) is not fulfilled. The conditions, which are not fulfilled according to the respondents, are that the certified map of the proposed

building is not enclosed and that the certificate of completion of the construction is not accompanying the proposals.

07] The learned Counsel for the petitioner points out that the decision only refers to the omission to enclose the completion certificate, and that as of fact, the certified map of the proposed building was already enclosed along with the proposals.

08] Be that as it may, it is not in dispute that the petitioner-institution promptly forwarded the building completion certificate to the State Government on 13/06/2022.

09] We note from paragraph 8 of the affidavit in response that the permission is to be conveyed or communicated by the State Government till June 15.

10] As the situation stands today, there does not appear to be any discrepancy in the proposals, which are rejected and which proposals are recommended by the University. The petitioner did cure the lacunae, if any, by submitting the completion certificate of the buildings on 13/06/2022. In

this view of the matter, we find no justification in the stand of the State Government that the proposals submitted by the petitioner-institution cannot be approved, particularly since even according to the affidavit in response filed on behalf of the State, the proposals now do satisfy the conditions prescribed in Appendix-B to the Government Resolution dated 12/10/2017.

11] We, therefore, quash and set aside the impugned communication dated 29/06/2022 and direct respondent 1 to issue/grant approval to the proposals submitted by the petitioner-institution for starting new colleges in the Bhandara District with effect from next academic year.

12] The petition is allowed in the aforesaid terms. Rule is made absolute with no order as to costs.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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