



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

WRIT PETITION NO.4786 OF 2023

Shri Rushiprasad Bahuddeshiya  
Shikshan Sanstha, Wardha  
having its registered office at  
Ward No.18, Ramnagar, Wardha  
Through its President Pravin Vitthalrao Kadu,  
Aged about 46 years, R/o Tukaram Ward,  
Ramnagar, Wardha

... Petitioner

Versus

1. State of Maharashtra,  
Through Department of Higher and  
Technical Education, Mantralaya,  
Mumbai - 32 Through its Secretary,
2. State of Maharashtra,  
Through Department of  
Social Justice, Special Assistance  
Department, Mantralaya, Mumbai – 32  
Through its Secretary

... Respondents

Shri S. K. Bhoyar, Advocate for petitioner.

Shri N. R. Rode, Assistant Government Pleader for respondents.

**CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.**

**DATE : 25<sup>th</sup> OCTOBER, 2023**

Judgment : (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned counsel  
for the parties.

2. Pursuant to the advertisement dated 21/09/2018 that was published  
by Smt Nathibai Damodar Thakarsi Women University, the petitioner which

was running B.Com course and intended to start new courses in Social Work B. S. W. and M. S. W., applied for the same. Since the Commerce College was already running, it is the case of the petitioner that the infrastructure was available and various documents in that regard were also submitted along with the said proposal. On 04/04/2019 the University approved the said proposal and thereafter forwarded the same to the second respondent- Department of Social Justice and Special Assistance. By the impugned communication dated 23/01/2023 the proposal has been rejected on the ground that though infrastructure was available with the petitioner, there were no documents submitted along with it.

3. The grievance of the petitioner is that despite all relevant documents being submitted along with the proposal, the same were not taken into consideration. Further, after issuance of the impugned communication, the Department of Social Justice and Social Assistance has granted permission to twelve new institutions on permanent no grant-in-aid basis. It is on this basis that it is urged that the rejection of the petitioner's proposal was unwarranted.

4. The impugned communication is supported by the learned Assistant Government Pleader by submitting that necessary information and documents were not submitted along with the proposal.

5. On perusing the documents on record, we find that along with the proposal, the information furnished by its Annexure-A refers to details of the infrastructure that is available. Further, the reason given by the second respondent that there were number of institutions being run in Nagpur Division by itself is not sufficient to hold that such permission cannot be re-considered. In the subsequent order dated 01/02/2023, permission has been granted to one institution from Amravati.

6. In Writ Petition No.6868/2019 (*Drushti Bahuuddeshiya Sanstha, Karla Chowk, Wardha vs. the State of Maharashtra, Mantralaya, Mumbai and ors.*) decided on 07/09/2022, this Court has considered the report of Dr Narendra Jadhav Committee in the matter of recommendation for establishment of new Social Work colleges. Since it is urged that all relevant documents were communicated along with the proposal as forwarded, we find that the petitioner's proposal deserves re-consideration by the second respondent in accordance with recommendation as above as well as the observations in *Drushti Bahuuddeshiya Sanstha* (supra). It is also necessary to note that after issuance of the impugned communication, such permission was granted to 12 other institutions on 01/02/2023.

7. For aforesaid reasons, we find that a case is made out to re-consider the petitioner's proposal by the respondent No.2 in accordance with law. Hence the impugned communication dated 23/01/2023 is set aside. It is directed that respondent No.2 shall re-consider the petitioner's proposal

afresh in accordance with law and in the light of the observations made herein above. The decision on the same be taken within a period of eight weeks from today.

Rule is made absolute in aforesaid terms with no order as to costs.

**(Abhay J. Mantri, J.)**

**(A. S. Chandurkar, J.)**