

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

**Writ Petition No.6227/2022**

**Saraswati Bahuddeshiya Shikshan Sanstha and others V State of Maharashtra and**  
**another**

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Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.

Court's or Judge's Orders

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Mr. R.M. Bhangde, Adv for petitioners.  
 Mrs. Smita Singalkar, Adv for resp. no.2.  
 Mrs.K. Joshi, AGP for State.

**CORAM : AVINASH G GHAROTE &  
 M.W. CHANDWANI, JJ.**

**DATE : 10-08-2023**

The petition questions the exercise of discretionary powers under the provisions of Section 109 (4) of the Maharashtra Public Universities Act, 2016, in the matter of granting approval by the State to the application filed by the institutions for starting additional courses and new faculty in post graduate courses. It is contended that though the institutions named in para 14 of the petition were similarly situated to the petitioners, they have been granted exemptions by the State from obtaining accreditation from National Assessment and Accreditation Council (NAAC), which is reflected from one such communication dated 17-08-2022 (pg 212) which has been done in exercise of the powers under the proviso to Sec. 109 (4)(d) of the aforesaid Act. It is contended that though the petitioners are similarly situated there is no reason why the discretion ought not to be also exercised in similar manner in favour of the petitioners.

No doubt the provision confers a discretion upon the State, however, even such discretion, has to be evenhandedly exercised for the reasons to be recorded in writing.

2. In the instant matter, it would be therefore appropriate if the State considers the application of the petitioners for opening new course in light of the above position and passes appropriate orders. The petition is accordingly disposed of in above terms. No costs.

JUDGE

JUDGE

Deshmukh