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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2513 OF 2024

Kamaladevi Education Trust,
Kalyan, Dist. Thane
Vs.

.. Petitioner

The State of Maharashtra,
Through Higher and Technical Education
Department and Ors.

.. Respondents

Mr. Jayendra D. Khairnar, Advocate for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader with Mr. S.P. Kamble,
Assistant Government Pleader for the Respondent-State of Maharashtra.

CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 18TH NOVEMBER 2024.

PC. :

1. The petitioner – a Public Trust is aggrieved by the communication dated 29th January 2024 issued by the Department of Higher and Technical Education by which it has refused to grant final approval on the application made by the petitioner for starting Three Years LL.B. Course. The learned counsel for the petitioner submits that the petitioner had approached this Court by filing Writ Petition No.8560 of 2023 (*Kamaladevi Education Trust Vs. The State of Maharashtra & Ors.*) with a prayer to decide its proposal dated 14th January 2023 seeking grant of Letter of Intent for starting a Law College at Vitthalwadi, Taluka Kalyan, District Thane in academic year 2023-24. Pursuant thereto, by the order passed on 11th July 2023, the Higher and Technical Education Department was directed to decide the said proposal. However as the proposal was not decided, the petitioner filed Contempt Petition No.37 of 2024. During

pendency of the said proceedings, the proposal submitted by the petitioner came to be rejected on 29th January 2024 stating therein that since Letter of Intent had not been granted, final approval for starting the said Law College could not be granted.

2. By relying upon the provisions of Section 109(3)(d) of the Maharashtra Public Universities Act, 2016, it is submitted that the petitioner merely seeks issuance of a Letter of Intent for starting Three Years LL.B. Course. However by relying upon the provisions of Section 109(3)(g), the final approval has been rejected. It is urged that by relying upon the inapplicable provisions of the Act of 2016, the Letter of Intent has been denied.

3. The learned Additional Government Pleader has referred to the affidavit-in-reply filed on behalf of the Joint Director of Higher and Technical Education. He however seeks time to obtain necessary instructions in the light of rejection of the proposal by relying upon Section 109(3)(g) of the Act of 2016. Time is granted to file additional affidavit clarifying the aforesaid.

4. Put up for further consideration on 28th November 2024.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]