



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

WRIT PETITION NO. 1894 of 2024

Late Parasram Shikshan Sanstha, through its Secretary, Shri Gulchand Kawduji Dasriya
vs.

State of Maharashtra, through its Secretary, Department of Higher Technical Education,
Mumbai and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S. S. Dhengale, Advocate for petitioner.

Mr. A. M. Kadukar, Assistant Government Pleader for respondent no.1.

None for respondent no.2 though served.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 29th JULY, 2024

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Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel appearing for the parties.

2. Section 109 of the Maharashtra Public Universities Act, 2016 (for short, the said Act) confers power on the State Government to deal with the proposals which are recommended by the University or otherwise for grant of new colleges for additional streams.

3. It is the case of the petitioner that its proposal is pending since 2022. According to Mr. Dhengale, learned counsel for the petitioner, such proposal is not decided by the respondent within stipulated time. According to him, the proposal which is produced at Annexure- 6 to the petition was decided subsequent to the time limit prescribed under Section 109 of the said Act.

4. In this background, he would pray that directions be issued to the respondent no.1 to decide pending proposal of the petitioner.

5. As against above, Mr. Kadukar, Assistant Government Pleader, would urge that the proposals were already decided way back in 2022

and as such it has to be inferred that the proposal of the petitioner stood rejected.

6. We hardly see any communication to that effect on record from the respondent no.1.

7. That being so, we deem it appropriate to allow the petition in terms of prayer clause (i) thereby directing the respondent-State Government to decide the proposal of the petitioner for grant of additional subjects as expeditiously as possible and in any case, within a period of 12 weeks from the date of production of copy of this order.

8. Needless to clarify that the State Government shall be sensitive to the earlier decisions of grant of conditional permissions to the other similarly placed institutions.

9. The writ petition stand disposed of in above terms. Rule accordingly. No order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.