



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

WRIT PETITION NO. 3103 OF 2024

Lakshmi Lakhmaji Shikshan Prasarak Mandal Amravati...Vs... The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sandeep Marathe, counsel for petitioner,
Mr. D.P. Thakare, Addl.GP for respondent Nos. 1 and 2/State.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 21-06-2024

Heard.

2. B.Sc. Home Science stream which was permitted to be managed by respondent No. 4 Vidya Prasarak Mandal Yavatmal was ordered to be closed for want of students.

3. In view of the policy adopted by respondent No. 3 – University, the petitioner has approached for taking over the said course pursuant to the provisions of sub-Section 3 of Section 92 of the Maharashtra Universities Act, 1994 (“Act”, for short).

4. The said proposal is informed to be pending with the State Government through respondent No. 3 University since 2010.

5. It is prayed that the said proposal be expeditiously decided.

6. Considering the fact that what has been claimed by the petitioner is based on the provisions of sub-section 3 of Section 92 of the Act, respondent No. 4 University

appears to have forwarded the proposal of the petitioner to the Government. It was expected from respondent No. 1 State Government to take decision on the said proposal forwarded by the University way back in 2010 within reasonable period. The Hon'ble Apex Court, while dealing with the issue of what should be the reasonable period, when statute does not expressly provide for the period within which the decision is to be taken has made a declaration that same shall depend on case to case basis but in any case, within three years.

7. Though, there is lapse of 14 years from the date of submission of proposal by the University, the State Government has failed to take decision on the same.

8. That being so, we are of the view that if the proposal is pending with the State Government and if not already decided, decision thereon be taken and communicated to the petitioner, in any case, by 31.8.2024.

9. We permit the petitioner to appear before the Principal Secretary, Department of Higher Education, on 8.7.2024 with all the relevant papers.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)