



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

CIVIL APPLICATION (W) NO. 1564/2024 IN WRIT PETITION NO. 3485/2024

(JIVAN REKHA BAHUUDDESHIYA SHIKSHAN SANSTHA, NAGPUR **VERSUS** STATE OF
MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri P.B. Patil, counsel for the petitioner.

Shri D.P. Thakare, Additional Government Pleader for the respondent nos.1 and 2.

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

DATE : JUNE 18, 2024

For the reasons disclosed, the civil application stands allowed.

WRIT PETITION NO. 3485/2024.

Vide Government Order dated June 15, 2019, the petitioner-Society was granted permission to open new Arts and Commerce College. The University accordingly vide order dated August 23, 2019 permitted the petitioner-Society to start Bachelor of Arts Part-I and Bachelor of Commerce Part-I courses with intake capacity of 120 students from the year 2020. Alleging violation of the provisions of Sections 107 and 109 of the Maharashtra Public Universities Act, 2016, the petitioner-Society has questioned the Government Resolution dated February 15, 2024 whereby the respondent no.4 has been given a letter of intent thereby permitting the respondent no.4 to operate Bachelor of Arts and Bachelor of Commerce courses in the very same Taluka. It is the contention of Shri P.B. Patil, learned counsel for the petitioner that the addition of another college in the Taluka would give rise to unhealthy competition. According to him, even otherwise, in the proposed plan of five years, the additional college was never provided. It is the contention of the counsel for the petitioner that leaving apart the non-compliance of the provisions of Section 107 of the Act of 2016, even the mandate of Section 109 of the Act of 2016 is not complied with as the requirement at the place where the letter of intent is granted in favour of the respondent no.4 is not included in the annual plan and the University had sent negative recommendation as the respondent no.4 was lacking infrastructure.

2. In view thereof, issue notice to the respondents returnable on July 16, 2024.
3. Learned Additional Government Pleader Shri D.P Thakare waives service of notice for the respondent nos.1 and 2.
4. Further action, if any, in favour of the respondent no.4 shall be subject to the outcome of the writ petition.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

APTE