



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 1962 OF 2025

BHAGWAN SAI BAHUUDDESHIYA SEVABHAVI SANSTHA THROUGH ITS
PRESIDENT

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY

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Mr. Shambhuraje V. Deshmukh – Advocate for Petitioner

Mr. S.V. Hange – AGP for sole Respondent, State

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**CORAM : MANISH PITALE &
 Y. G. KHOBRAGADE, JJ.**

DATE : 12.08.2025

PER COURT :

1. Heard learned Counsel for the petitioner and learned A.G.P for respondent – State.

2. The petitioner is constrained to approach this Court as the respondent – State has refused to grant final permission to run the course of Fashion Design (Arts faculty), although the petitioner was issued the letter of intent for starting that course by the respondent – State itself.

3. With the assistance of learned Counsel for the petitioner, we have perused the documents filed alongwith the petition. The documents show that the Dr. Babasaheb Ambedkar Marathwada University, with whom the petitioner – Institution is affiliated, had prepared a perspective plan granting course of Fashion Designing for one institution in Village

Anandgaon, Tq. Shirur, Dist. Beed.

4. The petitioner had applied for starting of such a course of Fashion Design in its institution at the said place, as per the perspective plan, by submitting an application for the course of Fashion Designing as well as three year course of law.

5. The said application was positively recommended by the aforesaid University to the State and the said document at Exhibit – “C” indeed shows that for both the courses i.e. three year law course as well as course of Fashion Design, a positive recommendation was made in favour of the petitioner.

6. Consequent thereto on 15.07.2024, the respondent – State issued a Government Resolution, issuing letters of intent in favour of various institutions including the petitioner herein for both the courses i.e. three year law as well as Fashion Design.

7. According to the petitioner the final approval for both the courses was expected but, by Government Resolution dated 15.07.2024 at Exhibit – E, approval was finally granted by the respondent – State only for the three year law course, without any reference to the Fashion Design course.

8. In this backdrop, the petitioner was constrained to move this Court. It is submitted that when identically situated institutions were granted

final approval for the Fashion Design course, there was no reason to arbitrarily reject approval to the petitioner.

9. Upon issuance of notice, the respondent – State filed its reply and took a stand that as per communication dated 08.01.2024 issued by the University Grants Commission (UGC), the course of Fashion Design is regulated by All India Council for Technical Education (AICTE), as per the handbook dated 06.12.2023 published by the AICTE. On this basis, a specific stand was taken that since the respondent – State Government cannot regulate the aforesaid course, final approval could not be granted.

10. During the course of the hearing, on an earlier occasion, this Court directed the respondent – State to file a further affidavit explaining with clarity its stand regarding the manner in which approval was to be granted to such a Fashion Designing course for which the petitioner was indeed issued the aforesaid letter of intent. In pursuance thereof the learned A.G.P. has tendered an affidavit dated 12.08.2025. The same is taken on record. The contents thereof show that the respondent – State continues to rely upon the aforesaid letter/communication dated 08.01.2024 issued by the UGC. Although a reference is made to the said document, copy of the same has not been annexed to the reply tendered today in Court. In that light the learned Counsel for the petitioner has tendered a photocopy of the letter/communication dated 08.01.2024 issued by the UGC. The same is taken on record and marked as “X”. A

perusal of the same shows that the contents thereof have nothing to do with the course of Fashion Design and hence, we find substance in the contention raised on behalf of the petitioner that the said document could never have been the basis for the respondent – State to refuse final approval to the petitioner for the course of Fashion Design.

11. When we put further queries to the learned A.G.P, he contended that although the aforesaid letter/communication dated 08.01.2024 makes no reference to the course of Fashion Design but, since the petitioner in its application for starting the new course merely referred to “Fashion Design” and not “B.A. in Fashion Design”, the State treated the application of the petitioner to be distinct and different from the applications of other institutions who had specifically applied for new course of B.A. Fashion Design. It was submitted that the course of B.A. Fashion Design can be regulated by the State and therefore, no fault can be found with the respondent – State refusing final approval to the petitioner.

12. We have perused the documents showing the perspective plan approved by the University for opening a Fashion Design College/course at village Anandgaon, Tq. Shirur, Dist. Beed and we have also perused the application form submitted by the petitioner to the University at Exhibit – “C”. It clearly refers to three year law course as also the course of Fashion Design. We are of the opinion that when the University accepted

the application and positively recommended the same, on the basis of which the State issued letter of intent as per Government Resolution dated 01.04.2025 at Exhibit – “C” treating the application of petitioner as an application for the course of Fashion Design, it cannot now be contended that the said application was not for the course of B.A. Fashion Design. The State in all fairness should have pointed out the said purported distinction at the stage when the University had positively recommended the application of the petitioner and before issuance of letter of intent.

13. In any case, learned Counsel for the petitioner has tendered a communication dated 11.06.2025 issued by the University itself to the concerned official of the State. The said Communication dated 11.06.2025 clarified that the application of the petitioner ought to be treated as an application for B.A. Fashion Design. The said document is taken on record and marked “Y”. When the University itself gave such a clarification, the respondent – State had no reason to stick to the stand that it would treat the petitioner differently from the other institutions for denying final approval.

14. To that extent we find the stand taken by the respondent – State to be unreasonable and arbitrary, to the detriment of the petitioner.

15. Having reached to the said conclusion, we hold that the application of the petitioner positively recommended by the University, in the context

of which the aforesaid letter of intent was issued by the respondent – State itself for starting the course of Fashion Design, ought to be positively considered and that the State must issue final approval in favour of the petitioner.

16. Learned A.G.P on instructions makes a statement that the admissions to the said course can be taken till 31.08.2025 and therefore, the petitioner would be able to start the new course and admit students for the said course for the academic year 2025 – 2026 also.

17. It is made clear that the petitioner having applied for Fashion Design course is to be treated as having applied for the course of B.A. Fashion Design and accordingly, the course shall be conducted by the petitioner – institution by complying with the necessary requirements.

18. In view of the above, the Writ Petition is allowed and the respondent – State is directed to issue final permission to the petitioner to run the course of B.A. Fashion Design (Arts faculty). Such final permission be issued within one week from today.

19. Pending Civil Applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)