

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

969 WRIT PETITION NO.6040 OF 2024

Jai Hanuman Bahuuddeshiya Sevabhavi Sanstha,
Borgaon Bk, Tq. Jafrabad, Dist. Jalna
Through Its President
Hanuman Suryabhan Joshi

... Petitioner

Versus

The State of Maharashtra
Through Its Secretary And Another

... Respondents

.....

Shri. Pramod C. Mayure, Advocate for the Petitioner
Shri. A. A. A. Khan, AGP for the Respondent / State.
Shri. S. R. Barlinge, Advocate for Respondent No.2

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : JULY 23, 2025

PER COURT :-

. By way of this Petition, the Petitioner - Institute seeks the following main reliefs:

“A) *This writ petition may kindly be allowed;*

B) *By issuing appropriate writ, order or direction in the like nature, the respondents may kindly be directed to allow the proposal of the petitioner Society for starting M.A. (Public Administration), B.Com. & B.B.A. Course in the college of the petitioner so as to grant the said permission from the academic year 2023-24 within a stipulated period;*

C) *By issuing appropriate writ, order or direction in the like nature, the communication dated 25/07/2022 & 29/06/2022 issued by the respondent's authority to the extent of petitioner thereby rejecting the proposal of the petitioner Society for starting M.A. (Public Administration), B.Com. & B.B.A. course in the college of the petitioner may kindly be quash & set aside;*

D) Pending hearing & final disposal of this petition the respondents be directed to consider the proposal of the petitioner Society for starting M.A. (Public Administration), B.Com. & B.B.A. Course in the college of the petitioner so as to grant the said permission from the academic year 2023-24;

E) Any other just, suitable and equitable order may kindly be passed in favour of the petitioner.”

2. The Petitioner – Institute’s proposal dated 03.11.2021 to open a new college and to commence new courses has been turned down on the ground that the Petitioner had not placed on record the Order authorizing it to use the agricultural land for Non-Agricultural (N.A.) purposes.

3. The Petitioner – Institute has now placed on record, in this Writ Petition, N.A. Order in relation to the land on which it proposes to open a new college and commence new courses as well. Learned Advocate for the Petitioner submits that the said N.A. Order was also placed before the Authority concerned, however, it has turned down the Petitioner’s Application. Learned Advocate for the Petitioner relies on the Judgment of this Court in Writ Petition No.13199 of 2022 decided on 06.03.2024 and similar order has been solicited herein.

4. Learned AGP would submit that, if the five-year prospective plan has not been exhausted, the proposal would be reconsidered, if this Court so directs. He would further submit that, such proposal may be

considered afresh, if some other institutes have not been granted permission to start M.A. Course, and requisite number of students are available and other necessary requirements are complied with.

5. We do not propose to go into the merits of the matter. Suffice it to say that the Writ Petition could be disposed of directing the Authorities concerned to consider the Petitioner's proposal afresh for the academic year 2025-2026, on its own merits, without insisting upon submission of a fresh proposal through the University, since the University has already granted its recommendation in this case.

6. Needless to mention, the fees already paid by the Petitioner shall be given due set-off while considering the fresh proposal. The Authority concerned is expected not to turn down the Petitioner's proposal on the very ground on which it was earlier turned down vide order dated 03.11.2021 and shall decide the same, on its own merits, within a period of two (2) months.

7. Petition stands disposed off in the aforesaid terms.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)