



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

WRIT PETITION NO. 8346 OF 2022

(Rashtrasant Tukdoji Maharaj Bahuuddeshiya Shikshan Sanstha and another
vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr.R.S.Kalangiware, Advocate for the petitioners.
Mr.J.Y.Ghurde Assistant Government Pleader for respondent Nos.1
and 3.
Mr.R.M.Bhangde, Advocate for respondent No.4.
Mr.A.V.Lokhande, Advocate for respondent No.5.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : APRIL 02, 2025

1) Heard Mr.Kalangiware, learned counsel for petitioners, Mr.Ghurde learned Assistant Government Pleader for respondent Nos.1 and 3 and Mr.Lokhande for respondent No.5, none appears for respondent No.2 though served.

2) The petition questions Letter Of Intent (LOI) dated 15/07/2022 insofar as entry No.98 (page 279) is concerned, which grants permission to respondent No.5 to open a co-education college in the courses of B.A., B.com and B.Sc. at Ramtek, which according to the learned counsel for the petitioners, though indicated in the annual plan, for the academic year 2022-2023 (page 232), does not find place, in the perspective plan, for the period 2019-2020 to 2023-2024.

3) The only arguments by Mr.Lokhande, learned counsel for respondent No.5 is that Sub-Section (5) of Section 107 of the Maharashtra Public Universities Act, 2016 (MPU Act) grants powers to the University to change the perspective plan while

preparing the annual plan. We are afraid, we are unable to agree to this submission, for the reason that the language of Sub-Section (5) of Section 107 of the MPU Act is clear and specific inasmuch as it states that the preparation of the annual plan would be in consonance with the perspective plan, which would indicate that the University has no independent power to change the perspective plan, while preparing the annual plan. Accepting this proposition would amount to nullifying the powers of the University to prepare perspective plan under Section 107(1) which has a larger perspective and is for a period of five years after taking into consideration factor as indicated therein and by applying them, finding the necessity to open new institution. We are therefore, not willing to accept this contention. Since that is the only ground, the petition is allowed by quashing and setting aside the Letters Of Intent dated 15/07/2022 (page 68) insofar as entry No.98 (page 279) in respect of respondent No.5 is concerned. No costs.

(ABHAY J. MANTRI, J.)**(AVINASH G. GHAROTE, J.)**