



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

WRIT PETITION NO. 5537 OF 2024

PETITIONER :

Gor Seva Foundation, Through its
President, Mudholkar Layout, Vadgaon
Road, Yavatmal – 445001.

-Versus-

RESPONDENTS :

1. State of Maharashtra, Through its
Principal Secretary, Department of Higher
& Technical Education, Mantralaya,
Mumbai-440032.
2. Director of Higher Education, Maharashtra
State, Pune
3. Sant Gadge Baba Amravati University,
Through its Registrar, Camp Area, Near
Tapovan Gate, SRPF Colony, Amravati,
Maharashtra – 444602.

Mr.S.P.Rajurkar, Advocate for the petitioner
Mr.S.B.Bissa, AGP for the respondent-State.
Mrs.Gouri Venkatraman, Advocate for respondent No.3.

**CORAM: SMT. M. S. JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATE : 7TH JULY, 2025

O R A L J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. Present petition is filed by the petitioner for challenging the respondents' inaction in granting final approval to the petitioner-Society for starting a new college for arts and science faculty in Yerad, Tahsil and District Yavatmal for the Academic Session-2024-25, despite the petitioner having duly submitted all the relevant documents to the University-respondent No.3 as well as to the respondent No.1.

4. The petitioner is a society, registered under the provisions of Societies Registration Act, 1860 and the Maharashtra Public Trusts Act. The petitioner-society applied to the respondent No.3-University for starting a new college in Yerad on 15/01/2023. The respondent No.3 through its Expert Committee carried out a physical inspection of the petitioner's proposed college on 10/02/2023. The respondent No.1 in exercise of its powers under section 109(3)(d) of the Maharashtra Public Universities Act, 2016 granted a Letter of Intent in favour of the petitioner for starting a new college in Yerad on 01/04/2023 by

issuing a Government Resolution.

4. The petitioner issued letter dated 15/04/2023 to the respondent No.3 informing that the petitioner will submit an application for seeking final approval for the Academic Year 2024-25. As per the government resolution stipulating detailed procedure for granting permission to the newly proposed colleges, the petitioner-Society submitted all the relevant documents. However, the respondent No.1 issued an e-mail dated 29/05/2024, raising deficiency that the petitioner-Society has not annexed the “Building Completion Certificate” of a competent authority vis-a-vis the proposed college. The certificate is annexed only of private architect.

5. On receiving the e-mail dated 29/05/2024, the petitioner supplied Building Completion Certificate under the signatures of Sarpanch and Secretary of Gram Panchayat Yerad, who is also Gram Vikas Adhikari of Panchayat Samit Yavatmal, Tahsil and District Yavatmal through e-mail dated 31/08/2024. However, the proposal for final approval was not considered by the respondent No.1, which constrained the petitioner to file the present petition for seeking direction to the respondent No.1 to grant final approval in favour of the petitioner for starting a proposed new college for arts and science faculty.

6. In reply, the respondent No.1 came with another ground for non-consideration of the proposal of the petitioner-Society, i.e. total construction area of 17,200 sq.ft. is the minimum requirement for starting a new faculty of arts and science and the same does not disclose by the petitioner-Society. The learned counsel for the petitioner-Society drawn our attention to Schedule-C (Page-57 of the petition) annexed to their application, depicting the bifurcated construction details for arts + science college and submitted that total construction is 17,270 sq.ft., which is more than minimum required construction.

7. In the first place, the ground for non-consideration of approval never communicated by the respondent No.1 to the petitioner. Moreover, in view of the total construction given in Schedule-C (Page-57 of the petition), the objection raised by the respondent No.1 does not survive. As such, in fact, there is no deficiency and respondent No.1 ought to have granted final approval in favour of the petitioner for starting a proposed new college for arts and science faculty in Yerad, Tahsil and District Yavatmal. Even the respondent No.3-University has also recommended the sanction for final approval to the proposed new college of petitioner-Society.

8. In view of above, we pass the following order.

ORDER

- (i) The writ petition is allowed.
 - (ii) The respondent No.1 is directed to grant final approval in favour of the petitioner-Society to start proposed new college of arts and science faculty in Yerad, Tahsil and District Yavatmal with effect from Academic Session 2025-26 within a period of two weeks.
8. Rule is made absolute in the above terms. No order as to costs.

(PRAVIN S. PATIL, J)**(SMT.M. S. JAWALKAR, J)**