IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO. 14531 OF 2026

GARBHAGIRI SOCIAL CHARITABLE TRUST THR PRESIDENT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR SECRETARY AND OTHERS
...
Advocate for the Petitioner : Mr. Nagargoje Ankush Nivrutti
AGP for Respondent nos. 1 to 5 : Mr. B. B. Bhise
...

CORAM : N. B. SURYAWANSHI AND ABASAHEB D. SHINDE, JJ.

DATE : 02.11.2026

PER COURT :

By this petition, the petitioners seek following prayers:

> *"A) For a writ of certiorari, order or direction in the nature of certiorari, calling for the record and proceeding of the Impugned Government Resolution dated 27.08.2026 (Exhibit 'K'), issued by the respondent No.1 and after examining the legality, validity and propriety thereof, the Impugned Government Resolution referred above and all further steps, if any taken pursuant to the said Government Resolutions may kindly be quashed and set-aside.*
>
> *B) For a writ of mandamus, Order or direction in the nature of mandamus, directing the respondents herein, their servants, agents or anybody claiming through them not to take any further steps pursuant to the Impugned Government Resolution dated 27.08.2026 (Exhibit 'K'), issued by the respondent No.1 by any manner whatsoever and not to act upon the said Government Resolution."*

2. Heard learned counsel for the petitioners and learned A.G.P. for the Respondent/State.

3. The respondents /State has filed affidavit in reply and made following statements:

> *"7. I say and submit that the real grievance of the Petitioners, who themselves running colleges of social work, is the apprehension of competition from other institutions. It is respectfully submitted that an existing institution has no vested or enforceable legal right to prevent the State from permitting other eligible institutions to offer the same course, and that the apprehension of competition does not give rise to any legal injury.*
>
> *8. I say and submit that the impugned Government Resolution merely lays down the policy of the State Government. It does not, by itself, grant approval to any institution. Every proposal for a new course or additional division will have to pass through the statutory process under Section 107 (perspective/annual plan) and Section 109(4) of the said Act, and will be scrutinized on its own merits. The petition is, therefore, premature and speculative, and no cause of action has arisen in favour of the Petitioners."*

4. We are of the considered view that the above statements take care of the apprehension on the part of the petitioners. In our view, the petition is premature and same is therefore dismissed at this stage, with liberty to the petitioner to approach this Court in case of need arises in future.

(ABASAHEB D. SHINDE, J.) (N. B. SURYAWANSHI, J.)

mkd/-