

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2500 OF 2021
WITH
INTERIM APPLICATION NO. 1976 OF 2021**

Maharashtra Shaikshanik Va
Arogya Vidyanagari, Thane ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr. S.M. Gorwadkar, Senior Advocate i/b Mr. S.M. Kamble for the
Petitioner.

Mr. A.I. Patel, Additional Government Pleader for the State -
Respondent No.1.

Mr. Akshay Shinde for Respondent No.2.

Mr. Sanjay R. Raundale for Respondent Nos.3 and 4.

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**CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.**

DATE : 31st AUGUST, 2021.

P.C. :-

1 Rule. Learned Additional Government Pleader waives
service for the Respondent No.1. The learned Counsel for Respondent
Nos.2, 3 and 4 waive service. The Petition is heard finally by consent
of parties.

2 By this Petition filed under Article 226 of the Constitution of India, the Petitioner is seeking directions for quashing and setting aside the impugned order dated 15.04.2021 passed by Respondent No.1 by which the Respondent Nos.1 and 2 had granted letter of intent to Respondent No.3 and refusing to grant letter of intent to the Petitioner for starting new college/institution for Higher Learning.

3 The learned Counsel appearing for the Petitioner as well as the learned Counsel appearing for Respondent Nos.3 and 4 agree that the impugned order dated 15.04.2021 and the letter of intent granted in favour of Respondent Nos.3 and 4 be set aside and matter be remanded back to the Respondent No.1 for consideration of the proposal of Respondent Nos.3 and 4 as well as the Petitioner for grant of letter of intent for starting new college/institution for Higher Learning. In view thereof the following order is passed :

- i) The impugned order dated 15.04.2021 is quashed and set aside.
- ii) The matter is remanded back to Respondent No.1 for considering the proposal/application dated 31.12.2020 of the Petitioner and the proposal/application of Respondent Nos.3 and 4 for starting new

college/institution within a period of two weeks from the date of filing of the objections by both, the Petitioner as well as Respondent Nos.3 and 4, which shall be filed within a period of one week with a copy to be served on the other side.

iii) The order passed by Respondent No.1 shall be reasoned order and shall be communicated to the Petitioner as well as Respondent Nos.3 and 4 within a period of one week thereafter.

iv) Rule is made absolute in above terms.

v) Writ Petition is disposed of accordingly.

vi) There shall be no order as to costs.

vi) Parties to act on the authenticated copy of this order.

vii) In the event that the order passed by Respondent No.1 is against either of the parties i.e. the Petitioner or Respondent Nos.3 and 4, the aggrieved party is at liberty to take out appropriate proceedings to challenge the said order.

viii) In view of the disposal of the Writ Petition, the Interim Application stands disposed of in the aforesaid terms.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)