



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1072 OF 2026

Shri. Bhagwanbaba Sevabhavi Santha
Tadsonna, Taluka and District Beed
Through its Secretary,
Mahadeo Baliram Mundhe
Age: 47 years, Occu.: Agriculture,
R/o. Tadsunna, Taluka and
District Beed.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai-32.
2. Smt. N. D. Thakarey Women's University
1, Nathibai Thakarcy Road,
New Marine Lines, Church Gate,
Mumbai-20.
Through its Registrar

.. Respondents

...
Mr. Santosh S. Jadhavar, Advocate for the petitioner.
Mr. R. S. Wani, AGP for respondent No.1/State.

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**CORAM : SMT. VIBHA KANKANWADI &
NEERAJ P. DHOTE, JJ.**

DATE : 18 APRIL 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present petition has been filed seeking direction against respondent No.1 to consider and decide the proposal submitted by the petitioner for opening of new college for the course of B.M.S. (Bachelor of Management

Studies) and to issue Letter of Intent in favour of the petitioner.

2. Heard the learned Advocate for the petitioner. He submits that respondent No.1 sanctioned the perspective plan for respondent No.2/University on 22.09.2023, under which one point in Pune District was earmarked for Haveli Taluka. After obtaining sanction of the perspective plan from respondent No.1, respondent No.2 published a notification/advertisement inviting applications for opening new colleges in accordance with the said plan. The applications were to be submitted online on or before 30.09.2023, and the hard copies thereof were to be submitted on or before 05.10.2023. In view of the said advertisement, the petitioner decided to open a new college at Balewadi-Mhalunge, Taluka Haveli, District Pune, in the faculty of B.M.S. (Bachelor of Management Studies), and accordingly submitted a proposal along with all necessary documents and the prescribed fees of Rs.2,07,080/-. He submits that the proposal submitted by the petitioner was scrutinized by respondent No.2. Certain deficiencies were found in the proposal, and the same were communicated to the petitioner by letter dated 02.11.2023. As per the requirements of the University, the petitioner complied with all the deficiencies by submitting the necessary documents as pointed out in the said letter dated 02.11.2023. Upon scrutiny, respondent No.2 found the proposal suitable and forwarded it to respondent No.1 with a positive recommendation on 01.01.2024. He

further submits that neither the advertisement issued by respondent No.2 nor any communication issued by respondent No.1 stipulated that the proposal for opening a new college in the B.M.S. course required prior approval/permission from AICTE. Therefore, the petitioner did not make any application to AICTE. However, respondent No.2 subsequently issued a circular dated 05.02.2024 mandating AICTE approval/registration for courses such as BCA, BBA, and BMS. He submits that the process for grant of permission to open a new college commenced with the sanction of the perspective plan by respondent No.1 vide order dated 22.09.2023, followed by the advertisement issued by respondent No.2 in September 2023. The process for grant of permission to a new college is governed by the Government Resolution dated 15.09.2017. He further submits that neither the said Government Resolution nor the advertisement issued by respondent No.2 required that a course affiliated with respondent No.2 obtain approval/sanction from AICTE or registration with AICTE. At the fag end of process, it would not be appropriate to change rules and ask the managements to comply with some additional conditions such as registration with AICTE or permission from AICTE. He further submits that by circular dated 29.02.2024, respondent No.2 informed that BCA and BMS programs would require AICTE recognition from the academic year 2024-2025 and advised institutions to seek such approval. He further submits that in order

to avoid approval from AICTE, respondent No.2 has proposed change in nomenclature of these courses. The programme of BMS is proposed to be changed to B.Com. (Management) to comply with UGC regulations. He contends that due to these subsequent changes and earlier circular dated 05.02.2024, respondent No.1 has neither scrutinized the proposal of the petitioner, nor decided the same. No communication has been received by the petitioner from respondent No.1 in respect of proposal submitted by the petitioner. Hence, the present petition.

3. Learned Advocate for the petitioner submits that the proposal by the petitioner was sent when the prospective plan was there and before issuing the impugned circular dated 29.02.2024, the recommendation was made by respondent No.2 and forwarded to respondent No.1 for taking further action. However, in view of Annexure-'A', the impugned circular was issued to avoid the registration with AICTE. The petitioner was not at fault. The proposal was submitted within time, however, the Government has not taken any decision. The petition is restricted to giving the directions.

4. Learned AGP objects and submits that by the said advertisement, invitations were given to various institutions for sending their proposals for starting new colleges as per the Perspective Plan. The said academic year is over and there would be new Perspective Plan.

5. Certainly, the Government and the Universities would advertise the Perspective Plans of each year. It appears from the communication dated 22.09.2023 issued by respondent No.1 to respondent No.2 that the Perspective Plan – new locations for the year 2024-2025 was published. The location of Haveli Taluka, District Pune was considered for opening new college for the course of B.M.S. (Bachelor of Management Studies). When the said plan's life was for one year only, then it will not be appropriate, now when the plan would have been changed, to ask respondent No.1 to consider the proposal forwarded by respondent No.2. The petitioner definitely is not at fault, but since the said plan was for the year 2024-2025 only, we are not giving any direction. It has not been pointed out that the Government has raised any objection in respect of the disputed circular. Further instructions were issued to ascertain whether the subsequent proposals, following the impugned circular dated 29.02.2024, have been cleared by the Government. If any objection would have been taken by the State Government regarding the change in nomenclature, to connect it with a fact to give a go-by to the handbook of AICTE, then the things would have been different. If the State also has not seen any *mala fides* behind the circular, the petitioner cannot challenge the same.

6. In view of the same, we dispose of the writ petition, however, we grant liberty to the petitioner to apply if, for the same college, a location is

prescribed for the academic year 2026-2027 and the time for submission of the proposal is still available. In such event, respondent No.2 may take up the matter with respondent No.1 as expeditiously as possible.

[NEERAJ P. DHOTE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm