

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 654 OF 2015

LATE RAJKUMAR MAVHALE GRAMIN VIKAS SEVABHAVI
SANSTHA
VERSUS
THE NATIONAL COUNCIL FOR TEACHER EDUCATION,
NEW DELHI AND ANOTHER

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Advocate for Petitioner : Mr. Thombre S.S.
Advocate for Respondent nos.1 and 2 : Mr. Bora Satyajit S.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: September 09, 2015

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for Respondent Nos. 1 and 2.

2. The learned counsel appearing for the petitioner submits that, in pursuant to the proposal submitted by the petitioner, the Visiting Team was sent by Respondent No.1 during 15th to 25th July. It is the submission of the learned counsel appearing for the petitioner that, though there were no deficiencies, the said Visiting Team pointed out five deficiencies. Therefore, the petitioner raised grievance with

Respondent No.1 against the Officers of the Visiting Team, hence another Visiting Team was appointed. The second Visiting Team also pointed out different deficiencies, which were not pointed out in the first round. Therefore, the petitioner after rejection of his proposal by Respondent No.1, preferred appeal before the Appellate Authority. Appellate Authority without properly appreciating the contentions of the petitioner, rejected the appeal. It is submitted that, though the New Regulations are in place, the proposal of the petitioner being old, can be considered as per New Regulations.

3. On the other hand, the learned counsel appearing for Respondent No.1 invited our attention to the averments made in the affidavit in reply and also order passed by the Hon'ble Apex Court in SLP (C) Nos. 11069-11070/2009 dated 10.09.2013 and submits that, even existing proposal for seeking permission to open B.Ed. colleges has to be considered in the light of the New Regulations which are in place.

4. We have heard the learned counsel appearing

for the petitioner and the learned counsel appearing for Respondent Nos. 1 and 2. With their able assistance, we have perused the pleadings in the Petition, annexures thereto and the affidavit in reply filed by the Respondents. Upon considering the material placed on record, it appears that, the grievance of the petitioner that, two Visiting Teams have shown different deficiencies was considered by the Appellate Authority. Apart from above, the prayer of the petitioner for appointing third Visiting Team has been turned down by the Appellate Authority. In our opinion, while exercising writ jurisdiction, it is not desirable to enter into the disputed questions of fact, in as much as, whether the deficiencies pointed out by the Two Visiting Teams appointed by the Respondent No.1 were real deficiencies or otherwise. As already observed, the Appellate Authority has declined to entertain the prayer of the petitioner to appoint third Visiting Team for re-inspection. We find considerable force in the arguments advanced by the learned counsel appearing for Respondent No.1 that, New Regulations are in place. In case, the petitioner is desirous to apply a fresh under the New Regulations and if such proposal is filed, Respondent No.1 will consider the proposal under the New

Regulations.

5. For the reasons stated hereinbefore, we do not see any reason to entertain the Petition. Hence Petition is rejected.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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