

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD.****WRIT PETITION NO. 3013 OF 2014**

SACCHIDANAND KALA KRIDA AND
SHIKSHAN MANDAL, B.ED. COLLEGE
PARNER. ... **PETITIONER.**

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS. ... **RESPONDENTS.**

...
Advocate for Petitioners : Mr.Bayas Anandsing
AGP for Respondents: Mr.V.H. Dighe.
...

CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: May 05, 2015.

PER COURT :-

1. Rule, returnable forthwith. By consent of the parties,
taken up for final hearing.

2. This petition has been filed with the following prayer:

“B) By issuing writ of mandamus or any other writ
like nature the respondent No.2 and 3 be directed to

allot the students to the petitioner institution in view of the recognition order dt.05/09/04/2013 issued by the NCTE and affiliation given by the University of Pune.”

3. The learned Counsel for the petitioner submits that the NCTE has granted permission to admit 100 students for D.Ed. Course from the academic year, 2014-15. The respondent university has also granted affiliation. In spite of granting permission by NCTE and affiliation by University, respondents No.1 and 2 have not granted NOC and not allotted students. The learned Counsel for the petitioner submits that in somewhat similar fact situation, in case of **Rushikesh Dilip Bhor Foundations, Adhyapak Vidyalaya vs. The State of Maharashtra and others in Writ Petition No.2144 of 2013**, the Division Bench of this Court vide judgment dated 29th April, 2014 relying upon the judgment of the Supreme Court in case of **State of Maharashtra vs Sant Dayaneshwar Shikshan Sastra Mahavidyalaya & Ors.**¹, directed the respondents to grant NOC to petitioner – institution in the said petition to run D.Ed. College.

1 2006 AIR SCW 2048.

4. The learned AGP submits that necessary application was not filed with the respondent State authorities and therefore, the respondents have no occasion to consider the prayer of the petitioner for granting NOC or allotment of students to the petitioner – institution.

5. We have considered the submissions of the learned Counsel for the petitioner and learned AGP for the State and gone through the pleadings and grounds in the petition, and the judgment of the Division Bench in case of **Rushikesh Dilip Bhor Foundations, Adhyapak Vidyalaya vs. The State of Maharashtra and others in Writ** *Petition No.2144 of 2013* and the judgments of the Supreme Court in case of **Sant Dayaneshwar Shikshan Sastra Mahavidyalaya & Ors.**(supra) and also in case of **Maa Vaishno Devi Mahila Mahavidyalaya vs State of U.P. and others**². The issue raised in the present petition is in respect of inaction on the part of the respondents to issue NOC / affiliation by the State Government to run D.Ed. College, has already been considered by the Supreme Court and also this Court in the aforesaid judgments. In the judgment in case of **Rushikesh**

2 2013(3) Mh.L.J. 97;

Dilip Bhor Foundations, Adhyapak Vidyalyaya (supra), this Court has considered the law laid down by the Supreme Court in case of **Sant Dayaneshwar Shikshan Sastra Mahavidyalaya & Ors.**(supra) in paragraph 3 and ultimately, reached to the conclusion in paragraph 9 that, the NCTE has already granted permission to the petitioner to run D.Ed. College and therefore, in view of the judgment of the Supreme Court in case of **Sant Dayaneshwar Shikshan Sastra Mahavidyalaya** (supra), the respondents are obliged to grant recognition / affiliation / NOC to the petitioner institution to run D.Ed. College. In the present case also, the limited grievance raised by the petitioner is that though permission has been granted by the NCTE to start B.Ed. College with 100 students intake capacity from academic year, 2014-15 at Panoli Road, Village Parner, Tq. Parner, Dist. Ahmednagar and affiliation has been granted by the University on certain conditions, the State Government has not granted NOC to the petitioner and not allotted students.

6. In that view of the matter, since the point raised in the

present petition is no more *res integra* and it is covered by the judgment cited supra, we direct the respondents to grant NOC. Rule made absolute in above terms with no order as to costs. Petition stands disposed of, accordingly.

(P.R. BORA,, J.)

(S.S. SHINDE, J.)

Kadam/*