

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4826 OF 2015

Suresh s/o Narayan Nandan
Age 63 years, Occ. Service,
R/o Pachora, Tq. Pachora
District Jalgaon.

Petitioner

Versus

- 1 The State of Maharashtra
Through the Secretary for
Higher and Technical Education
Department, Mantralaya,
Mumbai
- 2 The North Maharashtra University,
Umavinagar, Jalgaon
District Jalgaon
Through its Registrar.
- 3 Asmita Foundation's
Sau. Sumantai Patil B.Ed. College,
Pachora, Tq. Pachora,
District Jalgaon.
Through its President.
- 4 The Regional Director,
Western Regional Committee,
National Council for Teachers Education
Manas Bhavan, Shamla Hills
Bhopal (M.P.)

Respondents

Mr. V.D. Hon, Senior Counsel instructed by Mr. A.V. Hon, advocate
for the petitioner.

Mr. U.S. Mote, A.G.P. for Respondent No.1.

Mr. A.B. Girase, advocate for respondent no. 2.

Mr. S.S. Bora, advocate for respondent no. 4.

Respondent No.3 served.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 29th September, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is objecting to the communication issued by Respondent No.2 – North Maharashtra University on 18/24.11.2014 refusing to accord approval to the appointment of petitioner as a Principal of Respondent No.3- B.Ed. College.

3 The petitioner was appointed as Principal of Respondent No.3 – College in the year 2013. The proposal was transmitted to the University for granting approval to the appointment of petitioner. The University, on consideration of the proposal, accorded approval to the appointment of petitioner as Principal of Respondent No.3-College for the period of one year. After completion of academic year, again proposal was moved by the Institution for according approval to the appointment of petitioner, however, same has been refused on the ground that petitioner does not fulfill requirement of having secured Ph.D. Degree in Education. It has been informed that the petitioner possesses Ph.D. Degree in Botany subject and as such, does not fulfill eligibility criteria laid down by the National Council for Teacher Education (NCTE).

4 Shri Bora, learned Counsel appearing for NCTE, has placed on record a communication dated 11.09.2015, issued by the Regional Director, WRC, NCTE Bhopal, informing that the qualification possessed by the petitioner i.e. Ph.D. Degree in

Botany subject is a good qualification for appointing the petitioner as Principal of the B.Ed. College.

5 It is not a matter of dispute that insofar as matters relating to education standards and qualifications, the National Council for Teacher Education (NCTE), which is an expert body, shall have the last word and it is not open for the University authorities to question the norms laid down by the NCTE under the Regulations framed in the year 2014.

6 In view of the communication dated 11.09.2015, copy of which is taken on record and marked "X" for identification, grievance raised by the petitioner, in the instant petition, stands substantially redressed. It would be obligatory on the part of Respondent No.2 – University to accord approval to the appointment of petitioner as Principal of Respondent No.3 College and we direct Respondent No.2-University to take appropriate steps and issue orders of approval, as expeditiously as possible, preferably within four weeks from today. The impugned communication issued by the University on 18/24.11.2014, is quashed and set aside.

7 Rule is accordingly made absolute. There shall be no order as to costs.

P.R.BORA
JUDGE

adb/wp482615

R.M.BORDE
JUDGE