

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3846 OF 2014

Allama Mohd. Taher Education and
Carrer (Amtec) Foundation
Beed, Through its Secretary,
Dr.Kafil Farooqui,
Age: 37 years, Occu.: Doctor,
R/o. Sonu Mahel, Kagzi Ves, Beed,
Tal. & District Beed.

.. PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Technical Education Department,
Mantralaya, Mumbai.
2. The Director of Vocational Education,
Vocational Education and Training
Directorate, Maharashtra State,
Mumbai.
3. The Secretary,
Maharashtra State Board of Vocational
Education and Examination, 49, Kherwadi,
Bandra (East), Bombay – 51.
4. The District Vocational Education And
Training Officer, Beed.

.. RESPONDENTS

Mr. S.S.Thombre, Advocate for Petitioners;
Mr. N.B. Patil, AGP for State.

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

DATE OF RESERVING JUDGMENT : 01st April, 2015.

DATE OF PRONOUNCING JUDGMENT: 15th July,2015.

JUDGMENT (PER:-P.R.BORA,J.)

1) Heard. Rule. Rule made returnable forthwith with the consent of learned Counsel appearing for parties.

2) Petitioner has claimed following relief in the present Petition;

(B) By issuing writ of Mandamus or any other writ or order in the like nature, the respondent nos. 2 and 3 may kindly be directed to allow the students of the petitioner institution to appear for the examinations which are scheduled from 28.04.2014 and for that purpose issue necessary order;

3) On 25.04.2014, the present Petition was heard by us and an interim order was passed by us in favour of the Petitioner, thereby allowing the students of the Petitioner-institution to appear for examination to be conducted on 28.04.2014. When matter was finally heard, we are informed that accordingly the students of the Petitioner institute were permitted by Respondents No.2 and 3 to appear for the examination held on 28.04.2014. However, in view of the interim order, the results have not yet been declared.

4) The small controversy involved in the present matter seems to be whether Respondent No.3 was supposed to permit the

Petitioner institute to admit the students for the year 2013-2014, while renewing the permission to the Petitioner institute to run the courses of X-ray Technician Assistant and Medical Laboratory Technician Assistant. The Petitioner has filed on record the documents evidencing that the Respondent No.3 had granted permission for renewal of the academic year 2013-2014 and accordingly the Petitioner has admitted the students for the aforesaid two courses. As further stated in the Petition, the list of the admitted students was also approved by the Respondent No.4. The Petitioner has filed on record the copy of the list of the approved students for the academic year 2013-2014. The Petitioner has also placed on record the permission for the academic year 2011-2012, 2012-2013 along with the permission for the year 2013-2014. The Petitioner has also filed on record the order dated 06.08.2013 evidencing the permission for renewal of the academic year 2013-2014. As further stated by the Petitioner, it has forwarded the examination forms and requisite fees of the 33 new students and 4 students which were already enrolled to Respondent No.3 through Respondent No.4. The copies of challans have been filed on record by the Petitioner.

5) It is the further case of the Petitioner that, the Respondent No.4, though submitted the examination forms and other information to Respondent No.3, it was sent back stating that, the Petitioner has not deposited the amount of Rs.25,000/- . The learned Counsel for the Petitioner brought to our notice that, the amount of Rs. 25,000/- was deposited by the Petitioner on 03.10.2013. He further brought to our notice that, the Respondent No.4 has communicated the said fact to Respondent No.3 and has requested for issuing hall tickets to the students of the Petitioner -institution. He has also pointed out that, in the letter dated 29.03.2014, Respondent No.4 brought to the notice of Respondent No.3 that while issuing revised order, Respondent No.3 has inadvertently mentioned that, the admissions are permitted for the year 2014-2015, whereas the approval and renewal was for the year 2013-2014.

6) In view of the fact that, the amount of Rs.25,000/- has been deposited by the petitioner, may be belatedly as has been alleged by the Respondent No.3, the permission needs to be granted in favour of Petitioner to admit the students for the academic year 2013-2014. In Para 6 of the interim order passed on 25.04.2015, we have observed thus;

6. Upon perusal of Exh.'E' page 35, it appears that the petitioner did not deposit Rs.25,000/- towards deposit amount before 6.8.2013. As a result, prima facie, it appears from the letter written by the Respondent No.4 to the respondent No.3 that, since the petitioner did not deposit amount of Rs.25,000/- towards the renewal fees on 3.10.2013, by letter dated 29.1.2014 Out Ward No. 210/2014 the respondent No.3 communicated to the respondent No.4 that, fresh order is passed in respect of renewal of the permission for the year 2014-2015. It appears that, by said renewal respondent No.3 is granted permission to admit the students for the academic year 2014-2015.

6) In view of the fact that, on the strength of the interim order, the Respondents have permitted the students, admitted by the Petitioner institute, to appear for the examination and accordingly they have appeared for the said examination held on 28.04.2014, and in view of the further fact that, the compliance in respect of depositing Rs.25,000/- has also been made by the Petitioner institution, we see no reason for Respondents No.2 and 3 in not allowing the students of Petitioner-institution to be admitted for the academic year for 2013-2014.

7) In the circumstances, we direct Respondents No.2 and 3 to grant post facto approval / permission to the Petitioner-institute to admit students for the courses of X-ray Technician Assistant and Medical Laboratory Technician Assistant, for the academic year 2013-2014. We further direct Respondents No.2 and 3 to declare result of the students of Petitioner-institution who appeared for the examination held on 28.04.2014. The Writ Petition, thus stands allowed and the Rule is made absolute in above terms.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

S.P. Rane