

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1887 OF 2015

NEW MODERN SHIKSHAN SANSTHA, AURANGABAD AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Rudrawar S.G
AGP for Respondents: Mrs.Y.M.Kshirsagar
...

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Advocate for Petitioners : Rudrawar S.G
AGP for Respondents: Mrs.S.A.Dhumal
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 18th February, 2015.**

P.C. :

Mr.Rudrawar, learned counsel submits that the Petitioners were granted permission to run the H.S.C. vocational courses of Medical Lab Technician and Electronic Technology vide order dated 21st February,2013, pursuant to the proposal submitted by the Petitioners -Institutions on 31st March, 2012. The learned counsel submits that after following

proper procedure, after considering the recommendations given by the authorities, the permission was granted. Even the Petitioners were allowed to admit students in view of the letter dated 20th April, 2013, for the year 2013-14.

2] According to the learned counsel, without giving notice to the Petitioners and without hearing the Petitioners, the Respondent - State abruptly cancelled the said permission vide communication dated 7th April, 2014. The same is illegal.

3] The learned AGP submits that the Government Resolution pursuant to which the Petitioners claim to have been granted permission, is itself a forged one. No such permission was ever granted. On 11th February, 2014, also communication was made to the Deputy Director, Vocational Education and Training to absorb the students, who were admitted in the institutions, which were granted permission through the forged Government Resolution in recognized institutions. However, the Petitioners, in spite of the fact that the permission was cancelled and was brought to their notice in April 2014, admitted the students subsequently also. The same is illegal.

4] We have considered the submissions canvassed by the learned counsel for respective parties. It appears that the Respondent has also initiated criminal action and has filed FIR against such institutions included in the forged Government Resolution dated 21st February, 2013.

5] The same would be considered in the Court where the said criminal cases are pending. However, suffice it to say that when the permission was cancelled and was brought to the notice of the Petitioners in April 2014 itself, the Petitioners could not have admitted the students in the month of June/ July 2014. The affidavit in reply is filed by the State wherein it is stated that no final permission has been granted to the Petitioners – Institutions. The list of the Government Resolution as conveyed vide communication dated 2nd December, 2013, did not include the Government Resolution dated 21st February, 2013, submitted by the Petitioners – Institutions. After inquiry, according to the Government, they have found that the Government Resolution dated 21st February, 2013, to be in fact nonexistent and not issued by the State. No final approval has been given to the proposal of the Petitioners – Institutions.

6] Considering the above, we are not inclined to entertain these writ petitions.

7] It would appear that even the authority is aware that such students are admitted and directions were issued that these students should be absorbed in some other institutions vide letter dated 11th February, 2014.

8] The students who would be undergoing examination, the State would allow them to appear through other recognized institutions. Certainly in view of dismissal of these writ petitions, the Petitioners would not be entitled to admit any

student in the vocational courses on the basis on which, it was submitted that they have been granted permission. However, as loss to the students should not be caused, we direct the Respondents to allow those students to appear for the examination through other recognized institutions, of course, subject to the students satisfying the eligibility criteria. The Petitioners also deserve to be mulct with penalty for admitting the students in spite of the fact that there were no interim orders passed by this Court.

9] The Petitioners in each writ petition shall pay an amount of Rs.25,000/ (rupees twenty five thousand only) to the Respondent - State and the students with the Petitioners - Institutions should be absorbed. The State shall take steps to absorb the students of the Petitioners - institutions in other recognized institutions.

10] The writ petitions are accordingly dismissed with aforesaid aforesaid observations and directions.

11] Parties to act on the authenticated copy of this order.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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