

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION No.5808 OF 2013

(Rashtrasant Tukdoji Maharaj Shikshan Sanstha and Ors. vs. State and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 24th FEBRUARY, 2015.

Heard Mr.A.S.Dhore, learned Counsel for the petitioners and Mr.N.S.Khubalkar, learned A.G.P. For the respondents.

Mr.A.S.Dhore, learned Counsel for the petitioners has been seeking adjournments to place on record suitable rejoinder. According to him, petitioner no.1/management never accepted that the institute from which petitioner no.3 obtained his D.Ed. qualification was not recognized.

Mr.N.S.Khubalkar, learned A.G.P. for the respondents has also been seeking adjournments to place on record the communications dt.4.12.2006 and 23.11.2007 written by the Maharashtra State Education, Research and Training Council, Pune directing an action to be taken against the training centre through which the petitioner procured the D.Ed. Qualification.

The order passed by the appellate Authority namely Deputy Commissioner, Tribal Development on 18.6.2011 shows that the said Authority was not in a

position to record any definite finding about the status of said training institute at Pune. It shows that recognition to that institute may have been withdrawn before 2001. The petitioner obtained postal D.Ed. qualification in 2001 itself. If recognition was withdrawn before the year 2001, we fail to understand why the institute could continue even thereafter and what was the occasion to write the letters allegedly dt.4.12.2006 and 23.11.2007.

Prima facie, it is seen that the institute may have continued to work even beyond the year 2001 and atleast till 23.11.2007. Other persons like the petitioner may have obtained postal D.Ed. qualification from that institute.

The petitioners, therefore, have pointed out to this Court a grave state of affairs which needs proper attention. The appellate Authority could not have put an end to the issue by passing the order which does not record any definite finding.

As there is no definite material on record in this respect, the order of Additional Commissioner, Amravati Division, Amravati dt.29.1.2013 is also unsustainable.

In this situation, we quash and set aside the order dt.29.1.2013 as also order dt.18.6.2011. Respondent no.2 shall extend an opportunity of hearing to petitioner no.3 afresh. He may also hear the concerned department of the State Government which deals with D.Ed. Education and grant of recognition to institutes for the said purpose.

The petitioners and the concerned department shall appear before respondent no.2 for the said purpose on 13.4.2015 and the said Authority shall take suitable decision upon correctness or otherwise of the qualification obtained

by the petitioner within next two months.

The Writ Petition is, thus, partly allowed and disposed of. No costs.

JUDGE

JUDGE

jaiswal