

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 232/2014

(SHRI LAL BAHADUR SHASTRI SHIKSHAN SANSTHA **VERSUS** STATE OF MAH. & OTHERS)

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

Court's or Judge's orders

Shri R.N. Badhe h/f Shri Shantanu Khedkar, counsel for the petitioner.
Shri D.P. Thakre, Additional G.P. for the R-1 to 3.
Shri P.S. Chawhan, counsel for the R-4..

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : MAY 6, 2015.

By this petition, the petitioner challenges the Government Resolution dated 17.10.2012 as also the communication dated 28.08.2012 issued by the respondent no.2 and informing the petitioner that the application made by the petitioner for permission to open the D.Ed. college is rejected.

According to the petitioner-Society, the petitioner-Society had applied to the National Council for Teacher Education for recognition of a D.Ed. college in Washim district. The National Council for Teacher Education granted recognition on 28.05.2012. The petitioner-Society then applied to the State Government seeking permission to start the D.Ed. college in Washim district. However, the State Government refused to permit the petitioner to start a D.Ed. college by the impugned communication.

It is stated on behalf of the petitioner that the issue involved in this case stands answered in favour of the petitioner by the judgment reported in **2014(3) Mh.L.J. 333** (*Syadwad Education Society, Washim Versus State of Maharashtra & Another*). It is stated that it is observed by this Court in the said reported judgment by relying on a judgment of the Hon'ble Supreme Court,

reported in **2006(9) SCC 1** (*State of Maharashtra Versus Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya & Others*) that the State Government cannot show its supremacy over the National Council for Teacher Education so as to denude the powers and authority of the National Council for Teacher Education. It is submitted that the order of the National Council for Teacher Education cannot be made ineffective or redundant by the State Government by refusing recognition to a particular course.

Shri Thakre, the learned Additional Government Pleader appearing on behalf of the respondent nos.1 to 3, states that the position of law, as stated on behalf of the petitioner is well settled and the State Government could not have rejected the application made by the petitioner for permission to open the D.Ed. college in Washim district.

Shri Chawhan, the learned counsel for the respondent no.4-Council, states on instructions that the recognition granted to the petitioner-Society by an order dated 28.05.2012 for opening a D.Ed. college with annual intake capacity of fifty seats is not yet withdrawn and the same still subsists.

It appears on hearing the learned counsel for the parties and on a perusal of the judgment reported in **2014(3) Mh.L.J. 333** (*Syadwad Education Society, Washim Versus State of Maharashtra & Another*) that the issue involved in this writ petition stands answered in favour of the petitioner and it would be necessary to quash and set aside the impugned communication of the respondent no.2, dated 28.08.2012.

Hence, for the reasons recorded in the judgment reported in **2014(3) Mh.L.J. 333** (*Syadwad Education Society, Washim Versus State of Maharashtra & Another*), we allow the writ petition. The Government Resolution dated 17.10.2012 is already quashed by the said reported judgment and, therefore, it would not be necessary to quash the same. We, however, quash and set aside the order of the respondent no.2 dated 28.08.2012.

The respondent no.2 is hereby directed to grant affiliation to the petitioner-Society's D.Ed. College as required by the provisions of Section 14(6)(a) of the National Council for Teacher Education Act, 1993.

Order accordingly. No costs.

JUDGE

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