

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3845 OF 2013

Mr. Nandkumar Hambirrao Kamble ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Nilesh Wable for the Petitioner.

Mr.V.M.Mali, AGP for the State.

Mr. Sagar Mane, i/b. K.G.Phakade for the Respondent no.6.

Mr. Dilip Bodake for the Respondent nos.4 and 5.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : AUGUST 09, 2016.

P.C.

1. Heard learned Counsel appearing for the respective parties. By this petition, the petitioner is seeking quashing and setting aside of the order dated 7.9.2014 passed by the respondent no.3, thereby appointing respondent no.6 as the principal.

2. Both the learned Counsel for the respective parties do not dispute that the respondent no.5 is a D.Ed. College and it is not a

private school within the meaning of the MEPS Act, therefore the provisions of the MEPS Act are not applicable to the present case. This college is governed by the National Council for Teachers Education Act, 1993.

3. By the order impugned in the petition, the Deputy Director of Education has only granted approval to the appointment of respondent no.6 as Principal of Respondent no.5. However, this respondent was promoted to the post of Principal by respondent no.4 in pursuance of the seniority list, by the respondent no.3 Education Officer, (Secondary), Zilla Parishad, Satara.

4. In the above circumstances, it is clear that the petitioner cannot resort to the Forum established under the MEPS Act. The learned Counsel for the respondent no.1 invited our attention to the provisions of NCTE Act, and especially Section 17 of the said Act in this regard. The petitioner has challenged the appointment of the respondent no.6 as principal on the ground that he does not have requisite qualification of principal as laid down under the 1993 Act. The qualifications of the Principal and other lecturers are provided under the National Council of Teachers Education Act, 1993 and the

Regulations made thereunder. In these circumstances, we are of the considered view that the petitioner has an alternate remedy to approach the Regional Committee under Section 17 of the said Act. We, therefore, are not inclined to interfere in the matter. However, we grant liberty to the petitioner to approach the Director, Western Regional Committee, (NCTE) Manas Bhavan, Shyamla Hills, Bhopal (M.P.), raising his grievance.

5. In the event such application/grievance is made to the Western Regional Committee, (NCTE), Bhopal, within the period of four weeks from today, we direct the Western Regional Committee to decide the same on its own merits within the period of eight weeks from the date of filing such application. Ordered accordingly.

6. Needless to mention that we have not gone into the merits of the case, and the Regional Committee shall decide the grievance /claim of the petitioner on its own merits and in accordance with law. All points and contentions are kept open.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)