

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10923 OF 2016

Dr. Padmasing Patil College of Physical
Education, Sangli & another ...Petitioners

vs.

The State of Maharashtra, Through
its Secretary, School Education and
Sports Department & others ...Respondents

.....

Mr. Anant Bobe i/b. Mr. Nitin Dhumal for the Petitioners.

Mr. P. P. Kakade, AGP for Respondent-State.

Mr. Uday P. Warunjikar for Respondent-NCTE.

.....

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **OCTOBER 04, 2016**

PC.:

1. Parties through their counsel.
2. Being aggrieved by the action of respondent State, by which the petitioner's name has been excluded from the M.P.Ed. course with intake of 15 seats, the petitioners have filed this petition seeking direction to the respondents to permit petitioner no.1 - college to forthwith publish admission notice. The grievance of the petitioners is that though in terms of the Regulation the

petitioner had submitted an affidavit with a letter dated 18.02.2015 (**Exhibit "F"**) to the Regional Director, National Council for Teachers' Education (NCTE), Bhopal, but till date, no decision has been taken by the NCTE as yet. According to the petitioner, as per the new NCTE Regulation 2014, the existing institutions are not required to apply afresh for recognition. It is also the case of the petitioners that petitioner no.1 is already having recognition under the old Regulation and an affidavit in the prescribed format showing willingness to come under the new Regulation 2014 has already been submitted.

3. Learned counsel appearing for the NCTE submits that the petitioner's application (**Exhibit "F"**) shall be considered and an appropriate decision on it shall be taken as expeditiously as possible.

4. Learned AGP appearing for the State submits that in absence of any letter from the NCTE granting permission under Regulation 2014, the State has rightly excluded name of the petitioner institution from the list of eligible institutions.

5. Having considered the submissions made by learned counsel for the parties, we are of the view that the petitioner was already having recognition vide order dated 08.06.2000 (**Exhibit "B"**). Thereafter, in terms of Regulation 2014, the petitioner had submitted an application (**Exhibit "F"**) with an affidavit in format. However, the said application dated 18.02.2015 has not been decided as yet. Since the application was duly submitted and has not yet been decided, the petitioner cannot be made to suffer.

6. Taking into consideration the entire facts and circumstances of the case, as also the fact that the petitioner was having recognition and has already submitted an affidavit in terms of Regulation 2014, we are inclined to dispose of this petition by permitting petitioner no.1 institution to admit 15 seats for M.P.Ed.- I. It is made clear that the admissions so made by the petitioner shall be subject to the outcome of the decision as may be taken by the NCTE on the petitioner's letter dated 18.02.2015 (**Exhibit "F"**). It is also made clear that neither the petitioners nor the students shall be

entitled to claim any equity on the basis of this order and getting admission for the said course. We also direct the petitioners to inform each and every student separately in writing that their admissions will be subject to outcome to the decision as may be taken by NCTE on the petitioner's application date 18.02.2015 and they will not be entitled to claim any equity on the basis of the admission.

7. With the aforesaid directions, the petition is disposed of. We hope and trust that the NCTE shall decide the application (**Exhibit "F"**) as expeditiously as possible and preferably within a period of two months from the date of this order.

8. Parties to act on an authenticated copy of this order.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)