

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

WRIT PETITION NO.4131/2015

Golden Typing Institute, through its Principal Abdul Nasir Abdul Rahim Sheikh
...Versus...
State of Maharashtra, through its Secretary, Education and Employment
Exchange Department, Mantralaya, Mumbai – 1 and others

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

Court's or Judge's orders

Ms Tajwar Khan, AGP for respondent no.1
Shri M.R. Joharapurkar, Advocate for respondent no.3

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATE : 02.09.2016

By this writ petition, the petitioner seeks a direction against the respondent no.2 – Deputy Director of Education, Nagpur to cancel the recognition to the typing Institute of the respondent no.3.

The respondent no.2 had granted recognition to the Typing and Shorthand Institute of the respondent no.3 in the year 1991. The petitioner has challenged the order granting recognition in the year 1991 by filing this writ petition on 8.7.2015. It is the case of the petitioner that though the distance between the two typing Institutes should be more than one kilometer, the distance between the petitioner's typing Institute and the typing Institute of the respondent no.3 is .5 kilometer.

According to the petitioner, the petitioner was not aware that the distance between the two Institutes was less than one kilometer. In this background, the petitioner has made the aforesaid prayer.

The learned Counsel for the respondents have opposed the prayer made in the writ petition. It is stated that recognition was granted to the respondent no.3 – Institute on 5.2.1991 and the Rules on which the petitioner has placed reliance came into force on 23.10.1991. It is stated that the petition suffers from laches. It is stated that even if it is assumed that the Rules apply to the respondent no.3 – Institute, the petitioner should have approached this Court, within a reasonable time from the date on which the recognition was granted to the respondent no.3 – Institute. It is stated that the petitioner has approached this Court more than 24 years after the date on which recognition was granted in favour of the respondent no.3 – Institute.

On hearing the learned Counsel for the respondents and on a perusal of the reply filed on behalf of the Deputy Director of Education, we find that no case is made out by the petitioner for cancellation of the recognition to the respondent no.3 – Institute. As rightly submitted on behalf of the respondents, the petition suffers from laches. The respondent no.3 has started the Institute since the year 1986 and recognition is granted to the said Institute from the year 1991. The recognition of the year 1991 cannot be challenged by filing the writ petition on 8.7.2015. Also, it is disputed by the respondents that the distance between the two Institutes is only .5 kilometer. Disputed questions of facts cannot be adjudicated in exercise of

the writ jurisdiction, specially in a case like the one in hand, where the recognition was granted in February 1991 and the rule on which the petitioner has placed reliance, has come into force in October, 1991.

In view of the aforesaid, we dismiss the writ petition with costs.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

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