

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

WRIT PETITION NO.4925 OF 2016

Shri Datta Shikshan Prasarak Mandal

..Petitioner

Vs.

The State of Maharashtra through the Secretary,
Higher & Technical Education Department

..Respondent

Mr. N. V. Bandiwadkar i/b Mr. S. A. Mane for the Petitioner.

Ms. Kavita Solunke, AGP for the Respondent No.1.

Mr. A. B. Borkar for the Respondent No.2.

**CORAM: B. R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATE: 24th JULY 2017

P.C. :

. Rule. Rule made returnable forthwith. Heard by consent.

2. The Petitioner is aggrieved by the impugned communication dated 11/3/2016 vide which the Respondent No.2/University has refused to grant permission to the Petitioner to start B.Ed. college on the ground that as per the prospective plan prepared by the University for the Academic year 2016-2017 no new B.Ed. Colleges can be started.

3. In view of the judgment of the Apex Court in the case of *State of Maharashtra vs. Sant Dyaneshwar, 2006(9) SCC 1*, the University cannot be said to be justified in refusing to grant permission to the Petitioner to start B.Ed. college.

4. We find that even otherwise the National Council of Teacher's Education is an expert body dealing in the field of teacher's education. We further find that in view of the judgment of the Apex Court in the case of

State of Maharashtra vs. Sant Dyaneshwar (cited supra), it is the settled position of law that the views of the expert body would have more binding force.

5. When the N.C.T.E. itself has granted LOI to the Petitioner, we find that the impugned order dated 11/3/2016 would not be justified. Therefore, the impugned order is quashed and set aside.

6. Needless to state that if the Petitioner complies with all the requirements and the National Council for Teacher Education grants recognition to the Petitioner as per regulation 7(16) of the National Council for Teacher Education (Recognition Norms & Procedure) Regulations 2014, the Respondent No.2/University shall take necessary steps in accordance with law for granting permission/affiliation to the Petitioner for starting B.ED. College.

7. Petition is allowed in the aforesaid terms. No order as to cost.

(RIYAZ I. CHAGLA, J.)

(B. R. GAVAI, J.)