

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5907 OF 2006

1. The Director,
Maharashtra State Council of
Educational Research &
Training, 708, Sadashiv peth,
Kumthekar Road, Pune 411030.
2. The Director & Chairman of
State level D.Ed. admission
selection Decision and Control
Committee, Pune 411030. ..PETITIONERS

VERSUS

1. Maharashtra Minorities Education
Society, Udgir, Post Box No.23,
Taluka Udgir, Dist. Latur.
2. Mr. Sayyad Waheed Sayyad
Murtuza, Age: 45 years,
Occ: Business, C/o. Off. H.S.M.
College of Education, Post box
No. 23, Tq. Udgir, Dist. Latur. ..RESPONDENTS

Mr A.S. Shinde, A.G.P. for petitioners;
Mr Amol Kakade, Advocate h/f Mr V.D. Salunke,
Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 20th JUNE, 2018

ORAL ORDER :

By present petition, the petitioner -

(2)

State Government challenged the judgment and order dated 16th January, 2006 passed by the National Commission for Minority Educational Institutions.

2. The respondent-educational society was desirous of opening new Junior College of Education for D.Ed. (Marathi) and D.Ed. (Urdu) courses at Udgir. A communication dated 28th October, 2005 was forwarded to the State Government seeking permission to admit the students. It was submitted that the institution has received permission from National Council for Teacher Education, Western Regional Committee, Bhopal i.e. a body constituted for grant such permission. Petitioner No. 2 by communication dated 11th November, 2005 informed the respondent-institution that permission is granted to the institution for the year 2005-2006 by National Council for Teacher Education. It was informed that the centralized admission process for admitting the students for the year 2005-2006 is already concluded and there is no possibility to increase strength of students. As such, it will not be possible to permit the institute to admit

(3)

the students for the year 2005-2006. It was further informed that the institute may start process for admitting the students from next academic year i.e. 2006-2007 and then it was warned the institute that the institute may not admit any students for the year 2005-2006.

3. Being aggrieved by the said communication, the institute approached the National Commission for Minority Educational Institutions. It was submission of learned A.G.P. that Commission exceeded its jurisdiction by granting permission to the institute to admit the students for the year 2005-2006.

4. The bone of contention of learned A.G.P. was that Section 12 of the National Commission for Minority Educational Institutions Act, 2004 provide powers to the Commission and the scope of Commission in view of these powers is limited. Learned A.G.P. submitted that the Commission could have gone into dispute if there was dispute between minority educational institution and University in

(4)

relation to its affiliation. He further submitted that the scheme of the Act also deals with affiliation of the colleges and other institutional issues protecting the interest of the minority institutions but admission of students was not an issue the Commission could have entertained.

5. The perusal of the order sheet shows that on 10th October, 2006 'Rule' was granted by the Division Bench of this Court making Rule returnable early. It was further made clear by the Division Bench of this Court that admission of the petitioner would not come in the way of authorities in passing appropriate orders in respect of year to year admission in accordance with law. There was no interim relief granted by this Court in favour of the petitioner State.

6. Learned Counsel appearing for the respondent-institute submitted that during pendency, D.Ed. Colleges in Marathi medium and Urdu medium are closed down by the institute. He was unable to state before this Court the period since

(5)

when these colleges are closed by the institute. He submits that as per instructions received by him, the institute is now not running these colleges. They are closed down during pendency of the petition.

7. In view of statement of learned Counsel appearing for the respondent-institute what remains in the petition is only an issue for academic discussion. No fruitful purpose would be served in keeping the petition pending so as to deal with the issue raised in the petition, which is of academic discussion. The petition lost its efficacy by passage of time. In view of this fact, the petition is disposed of accordingly.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE