

(1)

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

WRIT PETITION NO.6584 OF 2018

Majalgaon vikas Pratishthan's
Majalgaon Mahila D.Ed. College,
Gajanan Mandir Road,
Tq. Majalgaon, Dist. Beed
Through Prabhakar s/o Tukaram Bansode,
Age: 36 years, Occu: Service as Principal
of Majalgaon Mahila D.Ed. College,
R/o Majalgaon, Tq. Majalgaon,
Dist. Beed

..PETITIONER

VERSUS

1. State of Maharashtra
Through the Secretary,
Higher Education, Mantralaya,
Mumbai-32
2. Maharashtra Academic Authority
@ Maharashtra State Council of
Educational Research & Training,
708, RB Kumthekar Road, Perugate,
Sadashiv Peth, Pune - 411030
3. The Regional Director,
National Council for Teacher Education,
Western Regional Committee, Bhopal ..RESPONDENTS

Mr A. M. Karad and Mr Ganesh Kedare, Advocates for petitioner;
Mr G. O. Wattamwar, A.G.P. for respondent Nos.1 and 2;
Mr N. S. Tekale, Advocate for respondent No.3

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

DATE : 16th July, 2018

ORAL ORDER:

Heard Mr A. M. Karad, learned Counsel with Mr Ganesh Kedare, learned Counsel appearing on behalf of the petitioner, learned A.G.P. for respondent Nos.1 and 2 and Mr N. S. Tekale, learned Counsel for respondent No.3.

2. The petitioner is an Institute, registered under the provisions of the Bombay Public Trusts Act, 1950 and the Societies Registration Act, 1860. The petitioner Institute operates in the field of education in Majalgaon, Dist. Beed and the neighbouring area.

3. The petitioner before us is aggrieved by communication dated 7th December, 2017, issued by respondent No.3 i.e. the Regional Director for National Council for Teacher Education, Western Regional Committee, Bhopal.

4. Our attention is invited to the various documents to submit that the petitioner Institute was running D.Ed. college on receiving the recognition from respondent No.3 in the year 2006.

5. It is submitted by learned Counsel for the petitioner that the petitioner approached respondent No.3 for seeking permission of transfer of the place of D.Ed college. He invited our attention to documents placed on record

(3)

and submitted that the petitioner Institute wanted to shift the college from the earlier premises, which was acquired by the petitioner Institute on lease to the new building, which is constructed by the petitioner Institute at Kesapuri Camp, Sadoda Road, Majalgaon, Dist. Beed. It is submitted by the learned Counsel for the petitioner that at the new premises the petitioner Institute is ready to provide all the necessary facilities. He then submitted that though the petitioner expressed its willingness to comply with all the deficiencies and submitted the documents, the communication dated 7th December, 2017 is issued, stating that a show cause notice was issued to the petitioner to fulfill the conditions and as the Institute has failed to fulfill the conditions the recognition granted to the petitioner Institute was withdrawn for the academic session from 2018-2019.

6. Learned Counsel appearing on behalf of respondent No.3 submitted that the petitioner, being aggrieved by the said communication dated 7th December, 2017, preferred an appeal before this Court availing the remedies provided under the Act. He then invited our attention to the statement made in the petition and the same reads that:

"The petitioner filed an appeal against the order of withdrawal of recognition to the Appellate Authority.

7. Learned Counsel appearing for the petitioner submits that an appeal is preferred and filed on 20th June, 2018.

8. Learned Counsel for respondent No.3 submits that as per the Act and the Rules, the appellate authority is to decide the appeal within a stipulated time frame of three months. The appeal is filed by the petitioner in the month of June 2018 and, as such, the appellate authority is expected to take up the appeal for consideration in the sitting of the appellate authority, which is scheduled in August 2018. He then submits that the appellate authority would decide the appeal within stipulated time frame and if the order passed by the appellate authority goes against the petitioner, the petitioner may avail other remedies including approaching this Court by filing appropriate proceedings.

9. We find considerable merit in the submission of the learned Counsel appearing on behalf of respondent No.3. Learned Counsel for the petitioner is not disputing the fact that the petitioner - Institute has referred an appeal before the appellate authority in June, 2018.

10. Considering these facts, we are of the opinion that the only course open for us is to direct the appellate authority to decide the appeal within the time frame i.e. within a period of three months from today and to communicate the order or the decision of the appellate authority to the petitioner Institute as expeditiously as possible.

11. Needless to state that if the petitioner Institute is aggrieved by the order passed by the appellate authority, it may avail the proper legal remedies as available to it under the law.

12. By issuing such direction, in our opinion, no prejudice would be caused to respondents-authorities and it would only meet the ends of justice.

The writ petition is accordingly disposed of with the above referred directions.

Authenticated copies of this order be supplied to learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk