

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

WRIT PETITION NO. 8005 OF 2018

AAPTHESHTA BAHUUDDESHIYA SANSTHA PIMPELNER DHULE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

Mr.Sunil A. Kulkarni, Advocate for the petitioner
Mr.A.S.Shinde, AGP for the respondent/State

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

DATED : 17.07.2018

P.C. :-

. Heard Mr. Kulkarni, learned counsel appearing for the petitioner. Limited grievance is involved in the petition. With the consent of the parties the petition is taken up for final hearing.

2. Learned counsel appearing for the petitioner by inviting our attention to the various documents placed on record submitted that the petitioner-institute is imparting education in the area of district Dhule and as the petitioner institute was desirous of opening a new Private Industrial Training Institute, the proposal was submitted to respondent No.2 in the year 2016 itself. Learned counsel appearing for the petitioner submitted that the petitioner's proposal was complete in all

respects and the petitioner institute submitted the necessary documents to show that the petitioner institute is financially capable of starting the institute and was also having necessary infrastructural facilities. Learned counsel appearing for the petitioner by inviting our attention to the letter dated 30.01.2017 submitted that the petitioner was called upon to appear before Screening Committee for verification of documents on 07.02.2017 at 11.00 am. Then Mr. Kulkarni, learned counsel invited our attention to the document placed on record at Exh.D and the same is Government Resolution dated 28.08.2017 whereby the State Government published a list of institutes in whose favour a letter of intent was issued. The petitioner institute finds place at Sr.No.15 in the list. Even the courses permitted to run are referred to and they are the Electrician and Fitter. He further submitted that by communication dated 31.05.2018. The Assistant Director informed to the institute who submitted their proposal that the State Government is willing to undertake an exercise of joint inspection, so as to grant approval to the institutes and this joint inspection would be carried in the time framed of 05.06.2018 to 15.06.2018. It was also informed that those institutes who are desirous to undergo this exercise, may submit their willingness to the Directorate before 03.00

pm of 02.05.2018 (it clearly shows that there is typographical error referring to the date if the communication is of 31.05.2018 and the time framed on 05.06.2018 to 15.06.2018 the day for submitting the willingness ought to have been 02.06.2018.). Mr.Kulkarni, learned counsel submitted that the petitioner immediately submitted his willingness for the joint inspection by way of forwarding e-mail on 02.06.2018 at 12.33 hours. The copy of the e-mail is also placed on record at page No.45 of the petition. Mr. Kulkarni, learned counsel appearing for the petitioner submitted that the communication was issued to the Principal of the institute dated 22.06.2018 informing these institutes to make themselves ready and available for the joint inspection and on finding that the petitioner institute's name is not appearing in the list even though the petitioner institute submitted its willingness for joint inspection, the petitioner institute orally requested to respondent No.2 made oral queries and it was informed to the petitioner institute orally that the office of the Directorate/Director has not received the e-mail forwarded by the petitioner institute. Mr. Kulkarni, learned counsel appearing for the petitioner then submitted that the fact of the petitioner institute's willingness forwarded by e-mail was brought to the notice of Assistant Director and the

Assistant Director taking note of the grievance, made request to respondent No.2 for allowing the petitioner institute to undergo an exercise of joint inspection. Mr. Kulkarni, learned counsel appearing for the petitioner submitted that the communication dated 28.06.2018 placed on record at Exh.K also refers to the letter submitted by the petitioner institute on 28.08.2017 by inviting our attention to the letter communication dated 28.06.2018. Mr. Kulkarni, learned counsel appearing for the petitioner submitted that only prayer of the petitioner institute is by way of direction, respondent No.2 be directed to permit the petitioner institute to undergo an exercise of joint inspection and then to take appropriate decision as expeditiously as possible.

3. Considering the grievance raised in the petition and the submissions of Mr. Kulkarni, learned counsel appearing for the petitioner, we are of the opinion that the petition can be disposed of by issuing directions to respondent No.2. There is no dispute on the submissions of the learned counsel appearing for the petitioner. Perusal of the documents placed on records show that there is also a letter of intent issued. In the list of institutes to which the letter of intent is issued the name of petitioner institute finds place. The petitioner

institute expressed its willingness to undergo an exercise of joint inspection as such no prejudice would be caused to the respondents if the petitioner institute is permitted to undergo an exercise of joint inspection so as to assess the petitioner's proposal on its own merits.

4. Considering these aspects, we are of the opinion that the petition can be disposed of with directions to respondent No.2 the Directorate of Vocational Education and Training, Maharashtra State to consider recommendation of the Assistant Director forwarded to him by communication dated 28.06.2018. We further make it clear that if the Director is of the opinion that an opportunity is to be given to the petitioner institute to undergo an exercise of joint inspection on verifying the material including the material in the form of e-mail forwarded to respondent No.2 by the petitioner institute as submitted by the petitioner institute then respondent No.2 to intimate respondent No.3 for taking necessary steps in compliance of the joint inspection. Respondent

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No.2 to undertake this exercise as directed by this Court as expeditiously as possible and communicate his decision to the petitioner institute within four weeks from today. Petition is disposed of accordingly.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]