

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

WRIT PETITION NO. 8726 OF 2018

Navgan Shikshan Sanstha, Rajuri .. Petitioners
Through Secretary, Bharat Bhushan
Sonajirao Kshirsagar & Anr.

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.N.L. Jadhav, Advocate for the petitioners.
Mr.C.S. Kulkarni, AGP for respondent/State.
Mr.N.S. Tekale, Advocate for respondent Nos.2 and 3.

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

DATED : 30.07.2018

P.C. :-

1. Heard learned Counsel for the petitioners. Issue notice to the respondents, making the same returnable forthwith. Learned AGP waives notice for respondent Nos.1 and 4 and Mr. N.S. Tekale, learned Counsel waives notice for respondent Nos.2 and 3.

2. The petitioners challenge order dated 02.06.2018 whereby respondent No.2 communicated the petitioner-institute that the recognition granted in favour of the petitioner-institute is withdrawn from the next academic session 2018-19.

3. Though learned Counsel Mr. Jadhav made an attempt to submit before us that the order of withdrawal of recognition is unsustainable on the ground that the petitioner-institute has removed the deficiencies after the order of withdrawal is passed, we are not inclined to accept these submissions and considering other factual aspects, namely, in the withdrawal order itself, it was informed to the petitioner institute that the petitioner institute can avail remedy of appeal to the National Council for Teachers Education (NCTE), by filing appeal within stipulated period of 60 days and the petitioner-institute submitted appeal to the Under Secretary of NCTE on 07.07.2018 i.e. within stipulated period. Other statement of learned Counsel Mr. Jadhav is that though the appeal is filed on 07.07.2018, till date, no decision is taken by the competent authority. Even though it was attempt of the Counsel to submit that respondent – NCTE is not taking expeditious decision in the appeal, we are unable to accept this submission also on the ground that the appeal is filed on 07.07.2018. The petition is filed on 30.07.2018. As such it cannot be said that the authority is sitting idle on the appeal and there is an inordinate delay in decision of the appeal.

4. We can consider the only grievance of the petitioner that the appeal is filed before the Authority

and it is not yet decided. Considering these aspects of the matter, we are of the opinion that the petition can be disposed of with direction to the appellate authority of respondent No.2 – NCTE to decide the appeal as expeditiously as possible.

5. Learned Counsel appearing for respondent Nos.2 and 3 submits that as per the provisions of the Act and the rules, the Appellate Authority is supposed to decide the appeal within three months. Considering this statement of learned Counsel, we expect that the Appellate Authority of respondent No.2 will decide the appeal within the stipulated period.

6. The writ petition is accordingly disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]