

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 156 OF 2013

The Banda Navbharat Shikshan	}	
Prasarak Mandal, Mumbai	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Ms. Devyani Kulkarni for the petitioner.

Ms. Geeta Shastri-Additional Government
Pleader for respondent no. 1.

Mr. S. A. Rajeshirke for respondent nos. 2
and 3.

Mr. Rui Rodrigues for respondent no. 4.

CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE :- JUNE 18, 2018

P.C. :-

1. By this petition under Article 226 of the Constitution of India and specifically by the amended prayers, the petitioner is seeking to quash firstly, the decision contained in letter dated 4th October, 2010 being Exhibit "Z-1" to the petition and subsequently by amendment, a decision of the third respondent communicated by letter dated 2nd August, 2013 being Exhibit "Z-3".

2. The factual aspects of this matter have been noted in sufficient details by this court earlier. By the amendment, the petitioner before us states that its integrated B.A. B.Ed. course has been approved by the SNDT Women's University, Mumbai, but that has not been approved by the National Council for Teachers Education (for short "NCTE"). As far as that authority is concerned, it is functioning under the National Council For Teacher Education Act, 1993. As far as B.Ed. and other courses are concerned, this National Council alone has a right to grant approval. However, in respect of the integrated B.A. B.Ed. course, approval can be granted by the NCTE to the curriculum, which is prescribed for the B.Ed. part of the course. Hence, the rejection of the entire proposal has been impugned in this petition. However, after this controversy was noted in the earlier orders, what we can gather is that it was completely alive. Meaning thereby, the issue was open and not rendered infructuous.

3. This court had, by an interim order and noting all the contentions, permitted the students to take the examination held by the University and appear thereat. However, as far as the petitioner-Management is concerned, it is in a peculiar situation. It gave an undertaking to this court, while it passed the interim order on 13th March, 2013 that it will not admit any student nor

will it conduct any examination and preceding the same hold any classes for this course until further orders. Thus, what this court proceeded to do was to protect the interest of those students, who have undergone studies for that course and were caught in the controversy of legal status and competence so as to approve the course. With the passage of time and when this petition was to be heard finally, all that we inquired from Mr.Desai learned senior counsel is whether any student has been admitted by the institute or whether any approval has been granted by the NCTE. He fairly stated that firstly, there was no response from that authority earlier. Later on, it filed an affidavit and in which, it took a stance that it has not approved the course. A reference has been made to the specific decision of the NCTE and which is recorded in the copy of the minutes of its 186th Meeting. That meeting was held on 12-13th July, 2013. It is stated that the Society has failed to obtain the approval of B.Ed. integrated course. It is stated that the curriculum presented by the Management was incomplete. Since the course itself is not approved, the question of giving recognition does not arise. Once this is a categorical stand of this NCTE and the affidavits to that effect are filed reiterating it, then, in the teeth of the interim order, the undertaking of the Management and no student being brought before us, who is either pursuing the course or is yet to appear for the

examination, we do not see how the issue can be termed as alive and open. Insofar as the present institute is concerned, it is bound by its undertaking and given to this court. Secondly, much water has flown after the interim order of this court.

4. Hence, we are of the view that at the instance of the present petitioner, we need not consider the wider question. It is left open for decision in an appropriate case. The writ petition is disposed of on this ground alone.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)