

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6871 OF 2019

Nanasaheb Thombare Shikshan Sanstha's Suhsa ...Petitioner
Institute of Technology

Versus

The Director, Maharashtra State Board of ...Respondents
Technical Education & Anr

Mr Sanjeev Sawant, i/b Mr Abhishek Deshmukh, for the Petitioner.
Ms Shaba N Khan, i/b RV Govilkar, for Respondent No. 1.
Mrs Ashwini Purav, AGP, for Respondent No. 3-State.

CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ

DATED: 19th June 2019

PC:-

1. The Maharashtra Board of Technical Education has issued a Show Cause Notice to the Petitioner on 10th April 2019.

2. The Show Cause Notice says that on account of serious deficiencies regarding the infrastructure, the institution cannot but be rated as poor.

3. That this rating has now been altered or there are conditions for its alteration is not a matter for this Court to probe or interfere in our limited writ jurisdiction. More so, when the Petitioner picks up only one out of as many as eight distinct deficiencies pointed out in the Show Cause Notice. They think that staff salary not being paid for more than six months is the only remaining deficiency. That was plainly incorrect for at page 34 what is said to be the impugned order it is stated that a Show Cause Notice was issued and the college was called upon to furnish an explanation as to why its performance should not be ranked or rated as poor.

4. What the Board concluded was that the representative of the Petitioner may have remained present but for the present academic session 2019-20, this college cannot be said to be an affiliated institution. In the impugned communication, the Petitioner was informed that it is not possible to include the Petitioner in the ongoing process.

5. We do not think that in academic matters, decisions of experts are liable to be interfered with in our jurisdiction merely because another view is possible.

6. We do not think that other view is possible either. The listing of the deficiencies would have to be taken and read together as a whole. So read, we do not think that the attempt to pull out one of them and say that this rectifies all is a proper and correct approach to be adopted particularly in academic matters. Eventually, it is the interest of the students which is at stake, and added to that is the quality of education. If the standard of education is not to be compromised and merit is not to be diluted, and the Board has taken the right decision, we do not think that we can interfere in writ jurisdiction.

7. Even on the last count of non-payment of salaries in time of the staff, we do not think that Petitioner's contentions are correct. On the Petitioner's own showing in several paras, the attempt is to demonstrate that the Petitioner may have been in arrears but at least till April 2019 or on the date of filing of this Petition substantial

amounts have been paid. Far from proving timely payment, the documents do not explain for how many months salaries remained outstanding. We are not impressed with the argument that there was a delay or further delay because some bank or bank branch was closed for election vote-counting duty. We find instead that when payments were made these were effected by RTGS and hence the closure of the bank is totally immaterial. Further, the Petition itself narrates that the Board suggested payment of 'at least' two months' salary arrears. Therefore, this means that even this reduced or minimal requirement was not met on time. In any case, this being a purely factual matter, we do not think we should interfere with the order of the Board. The Petition is dismissed.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)