

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

**WRIT PETITION NO. 5512 OF 2018**

Dnyanoba s/o. Govindrao Nagargoje .. Petitioner  
Age. 34 years, Occ. Assistant Teacher,  
R/o. Loha, Tq. Loha,  
District Nanded.

Versus

1. The State of Maharashtra .. Respondents  
Through Secretary,  
Department of School Education,  
Mantralaya, Mumbai – 32.
2. The Registrar,  
Yeshwantrao Chavan Open University,  
Dnyan Gangotri, Near Gangapur Dam,  
Nashik, Tq. Nashik,  
District Nashik 422 222.
3. Member Secretary,  
National Council for Teacher's Education,  
New Delhi.

Mr.S.R. Choukidar h/f. Mr. V.S. Panpatte, Advocate for the petitioner.

Mr.S.R. Yadav-Lonikar, AGP for the respondent/State.

Mrs.R.D. Mane, Advocate for the respondent No.2.

Mr.S.S. Bora, Advocate for the respondent No.3.

**CORAM : Z.A.HAQ &  
S.M.GAVHANE, JJ.**

**DATED : 11.03.2020**

**ORAL JUDGMENT [PER : Z.A.HAQ,J.] :-**

01. Heard.

02. Rule. Rule made returnable forthwith.

03. Undisputedly, the petitioner is having qualifications - HSC, and has completed Craft Teacher's Course (CTC). The petitioner claims that the CTC qualifications are equivalent to the Diploma in Education (D.Ed.). Admittedly, the petitioner is working as an Assistant Teacher in the Vasant High School, Nanded, as an approved teacher since 2002, the approval having been granted by the Education Officer (Primary), Zilla Parishad, Nanded, by communication dated 30<sup>th</sup> March 2007. The petitioner applied for admission for D.Ed. course (Open and Distant Learning) to the Yeshwantrao Chavan Open University, Nashik. Anticipating rejection of his application on the ground that the petitioner is not having D.Ed. qualifications, the petitioner has

approached this Court seeking directions to the respondent No.2 to consider his application for admission for B.Ed. course for 2018-2020.

04. In response to the notice issued by this Court, the respondent No.2 has filed reply/affidavit opposing the petition on the ground that it is premature. On merits, the respondent No.2 has submitted that the petitioner is not eligible for admission to the B.Ed. course, as he does not fulfill the eligibility criteria as per the norms and standards of the respondent No.3 – Council.

05. The norms of eligibility as per the respondent No.3 – Council read as follows :-

**"Eligibility**

The following categories are eligible to be students of B.Ed. (ODL):

- i. Trained in-services teachers in elementary education.
- ii. Candidates who have completed a NCTE recognized teachers education programme through

face-to-face mode. (कोर्ट आदेशान्वये D.Ed./D.T.Ed. face to face अट शिथिल करण्यात आली आहे)

iii. The reservation and relaxation in marks for SC/ST/OBC/PWD and other categories shall be as per the rules of the Central Government, whichever is applicable."

06. Learned Advocate for the respondent No.3 – Council submitted that if the petitioner is in-service in elementary education as a trained teacher, he would be eligible for admission for B.Ed. course.

07. The reply/affidavit filed by the respondent No.2 is silent on the point and the fact that the petitioner fulfills the eligibility criteria, as per norm No.1, being trained in-service teacher in elementary education, is not dealt.

08. After hearing the learned Advocate for the respective parties and considering the undisputed fact that the petitioner is a trained in-service teacher in the elementary education, as per the norm No.1 of the eligibility criteria, we are of the view that the

petitioner is eligible for admission for B.Ed. course (Open and Distant Learning).

. The petitioner had applied for admission for B.Ed. course for 2018-2020. As that session is half way, we work out the equities by passing the following order :-

**O R D E R**

(i) It is declared that the petitioner is eligible for the admission for B.Ed. (Open and Distant Learning) course conducted by the Yeshwantrao Chavan Open University.

(ii) The claim of the petitioner for admission for B.Ed. (Open and Distant Learning) course shall be considered by the Yeshwantrao Chavan Open University for 2020-2022 session.

. At this stage, the learned Advocate appearing for the respondent No.2 submitted that the process for

admission for B.Ed. (Open and Distant Learning) course for 2020-2022 session is complete. It is submitted that the course/classes would begin from Summer-2020 vacations.

. The learned Advocate for the respondent No.3 – Council has not been able to point out any prohibition for directing the creation of supernumerary seat. In view of the facts of the case, we direct the respondent No.2 to grant the admission to the petitioner for B.Ed. (Open and Distant Learning) course for 2020-2022, if found entitled as per merit, by creating supernumerary seat.

09. Rule made absolute in the above terms. In the circumstances, the parties to bear their own costs.

**[ S.M.GAVHANE, J. ]**

**[ Z.A.HAQ, J. ]**