

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

WRIT PETITION NO. 12323 OF 2019

Talat Shikshand Mandal Nandurabad
Through Vice President

.. Petitioner

Versus

The Union of India and others

.. Respondents

Mr. Atul M. Karad, Advocate for Petitioner.
Mr. S. B. Deshpande, A. S. G. for Respondent No. 1.
Mr. N. S. Tekale, Advocate for Respondent Nos. 2 and 3.
Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent No. 4.
Mr. S. G. Chapalgaonkar, Advocate for Respondent No. 5.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 14th JANUARY, 2020.

PER COURT:-

. Mr. Karad, learned counsel for the petitioner submits that the petitioner runs B.Ed. course with intake capacity of 100 students. The petitioner was granted recognition by the National Council for Teacher Education (for short "NCTE") to run the B.Ed. course. The Government also granted approval. The University granted affiliation to the petitioner. The show cause notice was issued to the petitioner dated 17.03.2017 by the respondents seeking explanation from the petitioner with regard to the compliances. The petitioner replied the same under

its reply dated 03.04.2017. The reply was sent by Speed Post to the respondents, still the recognition is withdrawn on the ground that show cause notice is not replied and under order dated 14.10.2019 order is passed withdrawing the recognition pursuant to the minutes of 311th meeting of the Western Regional Committee (in short “WRC”). The learned counsel submits that the petitioner has made the necessary compliances and has also submitted the reply. On erroneous ground, the same is rejected.

2. Mr. Tekale, learned counsel for Respondent Nos. 2 and 3 / NCTE submits that though the petitioner contends of having sent reply to the show cause notice by Speed Post, the same has not been received by the NCTE. As the reply to the show cause notice was not received and the compliances were not made of the deficiencies as pointed out in the show cause notice, the NCTE has withdrawn the recognition in view of the minutes of the 311th meeting of WRC held on 25.09.2019.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The petitioner has placed on record the reply dated 03.04.2017 to the show cause notice. It is also contended that the same was sent by Speed Post whereas the respondents contend that the said reply has

never been received by the respondents.

5. We may not enter into the debate on the said factual aspects. It appears that the order has been passed on the premise that reply has not been given by the petitioner to the show cause notice pointing out deficiencies. The withdrawal of the recognition was from the academic year 2020-2021. The academic year 2020-2021 is yet to commence, as it is the petitioner is permitted to run the course for the academic year 2019-2020.

6. Considering the aforesaid aspects of the matter, we deem it appropriate to grant one more opportunity to the petitioner to put forth its stand before the NCTE, which the NCTE would consider before taking the decision afresh.

7. In the light of the above, we pass the following order.

8. The order withdrawing the recognition of the petitioner/ institution is quashed and set aside. The petitioner shall submit its reply to the show cause notice along with the documents on which the petitioner seeks to rely to the respondent / NCTE on or before 22.01.2020. The petitioner is at liberty to submit the reply in person before the NCTE. The NCTE shall consider the reply and documents

submitted by the petitioner and shall take decision afresh with regard to the grant of recognition / continuation of recognition to the petitioner to run B.Ed. Course, on its own merits and before the start of the academic year 2020-2021.

9. Writ petition accordingly is allowed in above terms. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.