

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3351 OF 2021

Jai Jawan Jai Kisan Shikshan Prasarak Mandal,
Kandhar, Through its Secretary

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Mr S.S. Jadhavar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 25th FEBRUARY, 2021

PER COURT :

1. Mr Jadhavar, the learned counsel for the petitioner submits that the petitioner is running B.Ed. College since the year 2003 regularly. The recognition has been granted by the NCTE in the year 2005 to the petitioner's college for two units with intake capacity of 100 students. The recognition of the petitioner's college was revised in the year 2015. In the year 2017, show cause notice was issued by NCTE raising certain deficiencies. In 2019, the NCTE withdrew recognition of the petitioner's college. The petitioner assailed the same by filing writ petition (C) No.11535/2019 before the High Court at Delhi. The said writ petition was partly allowed. Pursuant thereto, the recognition of the petitioner's college for two units with intake capacity of 100 students was restored. The respondent No. 4 - University granted affiliation to the petitioner's college in each academic year for two units with intake capacity of 100 students. In

January, 2021, the University has granted affiliation for two units with intake capacity of 100 students for the current academic year. However, the respondent No. 1 granted NOC only for one unit for intake capacity of 50 students. The petitioner raised an objection. The respondent No. 3 forwarded the proposal to the Director of Education. However, no decision was taken. The learned counsel submits that it is an erroneous on the part of the respondents to contend that the petitioner does not possess the necessary infrastructure and the staff. The petitioner is running the college for more than 15 years. The necessary staff is available. The old staff has left the petitioner's college. The new staff has been appointed. However, the advertisement could not be issued as University did not grant permission due to the dispute of SEBC reservation. The petitioner has appointed necessary staff. Four approved Assistant Professors are also working with the petitioner's college. All these aspects are not considered. The University is an appropriate authority to consider infrastructure and the staff. The University is satisfied with the staff and infrastructure of the petitioner and then only continuation of affiliation is granted. The NCTE has also not raised any objection. The respondent No.1 could not have any objection to the same.

2. Mr Karlekar, the learned Assistant Government Pleader submits that as per the NCTE Regulation, the requirement of staff is provided. For two basic units of 50 students each, the sixteen teaching staff is required. The inspection was carried out and in the inspection, it was found that the petitioner lacked the necessary staff both teaching and non-teaching. Even the Principal is not available and whatever staff is appointed, the same is

on clock hour basis and even their approvals are not there.

3. We have considered the submissions.

4. The requirement of staff is provided by the NCTE under its notification dated 28th November, 2014. Clause 5.1 of the same deals with the requirement. The faculty strength is provided thereunder. With the students strength for one unit, the number of faculty is 8. In the present case, the intake capacity claimed by the petitioner is 100 with two units. The minimum staff required would be 16. Even considering contention of Mr Jadhavar, the learned counsel that the four Assistant Professors are approved still that would be much less compared to the requirement. The post of Principal is also vacant.

5. We cannot compromise on the teaching staff. The well qualified and experienced teaching staff has to be provided by the Institution, otherwise, that would be compromising with the quality of the education.

6. It is not the case that the petitioner is not granted permission. The petitioner has a permission for one unit.

7. In light of that, we are not inclined to interfere in the present matter.

8. The writ petition stands disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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