

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4265 OF 2021

Dr. Zakir Hussain Education Society
Nanded's Marathwada Adhyapak
Mahavidyalaya (B.Ed. College),
Brahmapuri, Dist. Nanded,
Through its Treasurer

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Mr S.S. Thombre, Advocate for Petitioner
Mrs P.V. Diggikar, AGP for Respondent-State
Mr A.D. Aghav, Advocate for Respondent No. 4

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

DATE : 9th MARCH, 2021

PER COURT :

1. The petitioner is granted permission to admit 50 students. The grievance of the petitioner is that since the year 2015, the petitioner is granted permission to run the B.Ed. course with intake capacity of 100 students.

2. Mr Thombre, the learned counsel submits that the petitioner is a minority institution. It had necessary qualified staff appointed through the local selection committee since the year 2015. Every year, NCTE and the University have granted permission to admit 100 students. Only for the year 2020-2021, under letter dated 21st July, 2020, the University granted

affiliation with intake capacity of 50 students subject to the recognition by NCTE. The NCTE has granted continuation of recognition to the petitioner with intake capacity of 100 students. The learned counsel submits that since the year January/February, 2020, the petitioner was after the University to provide the Committee for interviewing the candidates. The delay was on the part of the University nominating their nominee in the interviewing committee. Eventually, the selection committee was constituted on 22nd February, 2021. The interviews were conducted by duly constituted selection committee. The report is submitted by the selection committee to the University. The respondent had not yet communicated to the petitioner the acceptance of report by the University. The petitioner has also forwarded all the information with regard to the selection committee's recommendation.

3. Today, the University has submitted communication dated 5th March, 2020 wherein it is stated that the communication made vide letter dated 21.07.2020 and 30.01.2021 is confirmed. The letter dated 21st July, 2020 permits the petitioner affiliation of 50 students. According to Mr Thombre, the learned counsel, the communication dated 5th March, 2021 does not refer to the selection of the candidates by the duly constituted selection committee and the intimation given by the petitioner from time to time about the selection of the qualified staff.

4. We have heard the learned counsel for the University also.

5. It appears that the duly constituted selection committee interviewed the candidates on 22nd February, 2021. The admission

process commenced from 16th January, 2021 and was revised from time to time. It is submitted by Mr Thombre, the learned counsel that the last date for admission is 12th March, 2021. The cut off date is 12th March, 2021.

6. Be that as it may, the appointment orders are not issued to those persons, who were interviewed by the duly constituted selection committee. As appointment orders are not issued, the further question would arise about the approval to those appointments. Unless the staff is appointed by the University, it cannot be said that the petitioner has qualified approved staff.

7. In light of that, it would not be possible to consider the request of the learned counsel for the petitioner.

8. The University shall consider the report of the duly constituted selection committee and the information sent by the petitioner and shall take decision preferably within a period of four weeks.

9. The writ petition as such is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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