

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

WRIT PETITION NO.11604 OF 2021

**TRIMURTI PAWAN PRATISHTHAN THROUGH ITS
SECRETARY MR. MANISH ANNASAHEB GHADGEPATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri Bhandari Anand P.
AGP for Respondents 1 and 5 : Shri S.B. Yawalkar
Advocate for Respondents 2 to 4 : Shri N.S. Tekale
Advocate for Respondent 6 : Shri V.P. Golewar h/f Shri A.R.
Joshi
Advocate for Respondent 7 : Shri M.D. Narwadkar

...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 14th December, 2021

Per Court :-

1. We have briefly heard the learned counsel for the petitioner and on behalf of respondent Nos.2 to 4.
2. It is undisputed that a final show cause notice under Section 14 of the National Council for Teacher Education Act, 1993 (for short “the NCTE Act”) has been issued to the petitioner on 24.12.2020 concerning the M.Ed. Course which was already recognized and being conducted since 2009 (M.Ed.-Co-Ed) with

an annual intake of 60 students being granted. The revised recognition order was also issued to the petitioner Institution vide the communication dated 31.05.2015 with regard to the M.Ed. Course permitting annual intake of 100 students. Alleging that there is non compliance of the revised recognition order, respondent No.4 issued a show cause notice dated 10.11.2014. We are informed that pursuant thereto, the chequered journey of litigation has occurred between the parties and the Appellate Authority has set aside the orders of respondent No.4 with regard to withdrawal of recognition of the petitioner.

3. The learned counsel representing respondent No.4 has placed before us the minutes of the 348th meeting (emergent meeting) of the Western Regional Committee (WRC) held on 12.12.2021. Sr.No.14 is pointed out to contend that a final show cause notice prior to refusal of recognition is proposed to be issued to the petitioner under Sections 14 and 15(3)(b) of the NCTE Act for the M.Ed. Course. The learned advocate representing respondent No.4 strenuously submits that the second final show cause notice is proposed to be issued on the basis of the Standard Operating Procedure (SOP), which was implemented on 12.04.2019.

4. We are unable to persuade ourselves as regards the reason and logic behind the issuance of the second final show cause notice, when the first final show cause notice was the only one which was expected to be issued to the petitioner. We do not find that the SOP permits respondent No.4 to issue a second final show cause notice, one after the other without considering the reply, of the addressee, to the first notice.

5. Prima facie, we find that respondent No.4 is acting highhandedly. The final show cause notice dated 24.12.2020 was already issued under Section 14 and which has been responded to by the petitioner by filing a detailed reply dated 12.02.2021 placed before us at pages 137 till 155. Apparently, respondent No.4 has not applied it's mind to the said reply and has not passed any order though the show cause notice dated 24.12.2020 carried a title "final show cause notice". It is beyond comprehension that after the final show cause notice is issued and the reply is filed, no orders are passed and yet, the second show cause notice is proposed to be issued.

6. In view of the above, we restrain respondent No.4 from issuing the proposed second final show cause notice as set out in the minutes of the 348th meeting of WRC of respondent

No.4. In the event of such notice having been already issued, the same shall be rendered nugatory and the petitioner need not respond to the same.

7. In this backdrop, we direct respondent No.4 to pass a reasoned order on the final show cause notice dated 24.12.2020, on or before 31.12.2021, failing which, we would impose costs of Rs.1 lac on respondent No.4, which shall be paid from the salary accounts of the Committee comprising of the Chairperson, three members, the State representative of the Government of Rajasthan and the Regional Director, WRC, NCTE. The reasoned order should be communicated to the petitioner instantaneously through email along with the hard copy to be posted separately by speed post A.D..

8. We grant liberty to the petitioner to seek redressal of it's grievance if the petitioner is aggrieved by the decision taken by respondent No.4 pursuant to this order, by availing of a remedy as may be permissible in law.

9. In view of the above, by consent of the parties, this Writ Petition is disposed off.