

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

WRIT PETITION NO. 9161 OF 2020

Jai Durga Bhawani Krida Mandal
Through its Secretary
Lalit Bhagwat Dhande

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sushant V. Dixit, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondent No. 1.
Mr. N. S. Tekale, Advocate for Respondent No. 2.
Mr. Yogesh Bolkar, Advocate h/f Mr. A. B. Girase, Advocate for
Respondent No. 3.
Mr. S. G. Karlekar, Advocate for Respondent No. 4.

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

DATED : 04th JANUARY, 2021.

PER COURT:-

. The appeal filed by the petitioner against withdrawal of the recognition has been dismissed by N.C.T.E. Aggrieved thereby, the present petition.

2. Amongst various contentions, one of the contention of Mr. Dixit, learned counsel for the petitioner is that the petitioner has received notice of hearing dated 01.12.2020 after 01.12.2020, as such, could not remain present for hearing and could not put forth its case. The

learned counsel further submits that opportunity be given to the petitioner to put forth its case.

3. Mr. Tekale, learned counsel for respondent No. 2 submits that ample opportunity was given to the petitioner. Initially, the date of hearing was scheduled on 31.01.2020. The petitioner submitted written request seeking further opportunity. Then notice was issued on 07.08.2020 intimating the date of hearing is fixed on 04.09.2020. The said notice was received by the petitioner on 03.09.2020. Again, the petitioner sought time. Then the petitioner was issued notice on 25.11.2020 to remain present for hearing on 01.12.2020. The petitioner on 01.12.2020 remained absent. The appellate authority has considered all the relevant aspects of the matter. The appellate authority found that there is no list of approved faculty found available on the regulatory file even for one unit.

4. It appears that appellant did not appear before the appellate authority to put forth its case. According to the petitioner, notice was issued to the petitioner on 25.11.2020 intimating the date of hearing as 01.12.2020. The same was received by the petitioner after 01.12.2020. In that event, the petitioner could not have remained present on 01.12.2020 to put forth its case.

5. Considering the fact that, the matter pertains to the withdrawal of recognition of the petitioner's institution and that the matter has been decided ex-parte by the appellate authority, we deem it appropriate to give one more opportunity to the petitioner to put forth its case before the appellate authority.

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

7. The impugned order passed by the appellate authority is set aside. The petitioner shall appear before the appellate authority on 11.01.2021. As the date of appearance has been given by this Court, it is not necessary for the appellate authority to issue notice to the petitioner. The petitioner may appear before the appellate authority on 11.01.2021 and put forth its case with all relevant evidence. Naturally, the appellate authority would consider the case put forth by the petitioner and take decision afresh. The appellate authority shall endeavour to decide the appeal expeditiously and preferably by 22.01.2021.

8. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.