

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1182 OF 2021

- 1) Adarsh Jain Minority Shikshan
Sanstha, Wai (Karanja),
through its Vice-President
Shri Abhijit Prakash Sawalkar,
Aged about 30 years, Occu. - Business,
- 2) The Principal,
Late Chhabutai Dahake Education
(B.Ed.) Women College, Ansing,
Nos.1 & 2, C/o. Ansing,
Tq. & Dist. Washim-444507.

.... **PETITIONERS**

// VERSUS //

- 1) The Secretary,
Department of Elementary Education
and Literacy, Ministry of Human
Resource Development, Government
of India, New Delhi - 110002.
- 2) The Member Secretary,
National Council for Teacher Education,
C/o. Hans Bhawan, Wing-II, I,
Bahadurshah Zafar Marg,
New Delhi – 110002.
- 3) The Regional Director,
Western Region Council,
National Council for Teacher
Education, Manas Bhawan,
Shyamla Hills, Bhopal – 462002. (M.P.)
- 4) The Director of Higher Education,
Central Building, Pune.
- 5) The Joint Director of Higher Education,
Behind VMV College, Amravati Division,
Amravati – 444604.

.... **RESPONDENTS**

Shri V. K. Paliwal, Advocate for the petitioners.
Shri U. M. Aurangabadkar, A.S.G.I. for respondent No.1.
Shri N. R. Patil, A.G.P. for respondent Nos.4 and 5.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 17.03.2021.

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.
2. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.
3. The petitioners have prayed for issuance of direction to the respondents to grant permission to the petitioners for allowing admissions to B.Ed. course with intake capacity of 100 students for the academic year of 2020-2021. It is the case of the petitioners that the approval has been granted to them by respondent No.3 for conducting two units comprising 50 students each for imparting education in B.Ed. course. The approval was granted to the petitioners by respondent

No.3 on 31.05.2015, which was initially for one unit of 100 students and was subsequently modified into two units of 50 students each. The petitioners submit that now suddenly, during the current Central Admission Process, the intake capacity of the petitioners college had been shown to be of only 50 students instead of 100 students.

4. The respondent Nos.4 and 5 in their reply have stated that initially the intake capacity of the petitioners college was of 100 students but for the current Central Admission Process, it has been reduced to only 50 students for the reason that the petitioners have not complied with various conditions as stated in the approval dated 31.05.2015 and the academic norms. Some of the non compliances on the part of the petitioners are pointed out in the reply. They relate to the petitioners not appointing on regular basis any teaching staff and the concerned S.N.D.T. University, Mumbai having not approved appointments of the teaching staff. It is also pointed out that the posts of Principal, Librarian, one Assistant Professor, four Associate Professors and 8 Professors have not been filled up on regular and full time basis and there is no approval taken for their appointment from the University.

5. Shri Paliwal, learned counsel for the petitioners submits that the petitioners have indeed complied with all the academic norms/ conditions subject to which the approval has been granted and that the regular full time appointments to the posts of Principal, Lecturer and Librarian have been made in accordance with the advertisement published on 24.10.2019 and now the proposal sent to the S.N.D.N. University, Mumbai is pending for consideration. He also submits that the conditions mentioned in approval dated 31.05.2015 have also been duly complied with by the petitioners.

6. The factual position that is emergent now is that on the one hand petitioners are contending that they have complied with all the conditions/academic norms and requirements for running two units of 50 students each for B.Ed. course, the respondent Nos.4 and 5 on the other hand are emphatic in their assertion that there are no such compliances made by the petitioners. So, now the only course that is available to us is to grant liberty the petitioners to approach respondent Nos.4 and 5 with a fresh request for continuation of their approval regarding running of B.Ed. course with intake capacity of 100 students divided into two units of 50 students each along with necessary documents and satisfy respondent Nos.4 and 5 regarding all these compliances. This is also stated by the respondent Nos.4 and 5 in their

reply. They have submitted that the request of the petitioners for two units of 50 students each can be considered for the Central Admission Process for the academic year 2021-2022 subject to compliance with the norms and after receipt of favourable report from the Inspection Committee and for the present year, the permission for second unit of 50 students cannot be granted. Accordingly, giving liberty to the petitioners to approach respondent Nos.4 and 5 in the matter and satisfy them regarding all the compliances having been made by the petitioners, we would dismiss the petition, there being nothing on record showing accrual of any right to the petitioners on the basis of admitted facts.

7. Accordingly, the petition stands dismissed with liberty to the petitioners as aforesaid. No costs.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)