

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

10 WRIT PETITION NO.1688 OF 2022

...
SWAMI VIVEKANAND SHIKSHAN PRASARAK MANDAL'S
SWAMI VIVEKANAND COLLEGE OF EDUCATION, UDGIR,
TALUKA UDGIR, DISTRICT LATUR
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.C.A.Jadhav
AGP for Respondent-State : Mr.A.R.Kale
Advocate for respondent no.4 : Mr.M.D.Narwadkar
Advocate for Respondent no.5 : Mr.N.S.Tekale
...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 28.02.2022

P.C. :

1] At the request of the learned counsel for the petitioner, leave to add National Council for Teacher Education as party. Amendment to be carried out immediately.

2] Undisputedly, the facts in the present Writ Petition are that the National Council for Teacher Education has granted recognition to the petitioner's Institution for

running B.Ed. course with intake capacity of 100 students [2 units]. The Government has also given recognition to that effect. The University has also granted affiliation from time to time since the Year 2005.

3] This year the University while granting continuation of the affiliation reduced intake capacity to 50 under order dated 28.10.2021 and thereafter under order dated 13.01.2022 again restored the intake capacity to 100 [2 units]. The petitioner's name is included in the admission programme for admission of the students, but in respect of 50 students only [1 unit]. The petitioner had approached the Director, Deputy Director of Education [Higher Education], Maharashtra State, Pune to allow the petitioner to admit 100 students on 14.01.2022. The petitioner approached on 14.01.2022, when second round of admission were in progress. Second round of admission commenced from 13th January, 2022 and continued upto 20th January, 2022. The Director of Education did not accept it.

4] Mr.Tekale, learned counsel for the NCTE on the basis of the documents placed on record submits that the petitioner had been given sanction by the NCTE for two units of 50 students each. It further appears that Government also granted recognition for admitting 100 students [2 units]. The petitioner was permitted and

granted recognition for two units of 50 students each right from the Year 2005 onwards continuously.

5] It is necessary to obtain affiliation / renewal of affiliation from the University every year. This year the petitioner was granted the same. However, under order dated 28.10.2021, the University granted extension of affiliation but with intake capacity of 50 students. Subsequently, on 13.01.2022, restored intake capacity to 100 students. It is submitted that the University does not have authority and power to reduce the intake capacity. The University only has to consider the renewal of affiliation. Be that as it may, the University has granted affiliation to the petitioner institution, however, by reducing intake capacity from 100 to 50 students, though the Government and NCTE did not pass order reducing intake capacity or de-recognising the institution. The petitioner had approached the Director of Education on 14.01.2022 i.e. when second round was in progress.

6] Considering the aforesaid aspect of the matter, respondents shall permit the petitioner to admit 100 students. The name of the petitioner is already included in the portal, however, with intake capacity of 50 students. The same be corrected to 100 students immediately.

7] Writ Petition is disposed of. No costs.

8] Authenticated copy be given to the parties.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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