

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2030 OF 2022**

SHIV CHHATRAPATI SEVABHAVI SANSTHA SHINDGE BK THROUGH
ITS SECRETARY DEVANAND MURLIDHAR MULEY ..PETITIONER

VERSUS

NATIONAL INSTITUTE FOR TEACHER
EDUCATION AND OTHERS ..RESPONDENTS

Mr. Sachin S. Deshmukh, Advocate for the
Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. M. D. Narwadkar, Advocate for Respondent No.4.

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

DATED : 18th FEBRUARY, 2022.

PER COURT:-

1. The petitioner seeks directions against respondent nos.2 to 4 to include name of the college run by the petitioner i.e. Shahuraje Adhyapak Mahavidyalaya at Ahmedpur for the second round of Centralized Admission Process (hereinafter referred to as 'CAP') for B.Ed. (General and Special) course for Academic Year 2021-2022.

2. Mr. Deshmukh, learned counsel for the petitioner submits that, the petitioner had assailed the order dated 9-11.11.2020 passed by the NCTE withdrawing the petitioner's recognition. The learned Single Judge of the Delhi High Court in Writ Petition filed by the petitioner bearing Writ Petition No.13844/2021 observed that, the said withdrawal of recognition would not affect the right of the petitioner to admit students for the Academic Year 2021-2022 and further observed that,

there is no impediment to the petitioner participating in the counseling and admitting the students for the academic session 2021-2022. The respondents were also directed to reflect the correct status of the petitioner on their website.

3. Mr. Deshmukh, learned counsel further submits that, the petitioner had applied for the registration for online admission process. The status was shown as 'On Hold'.

4. According to the learned counsel, respondents were duty bound to comply the orders of the Delhi High Court passed in the Writ Petition filed by the petitioner.

5. The learned A.G.P. and Mr. Narwadkar, learned counsel submit that, first and second CAP rounds are over. Now institutional round would commence. If institution is not registered for the CAP round, it cannot be allowed for the institutional round. Reliance is placed on Rule 13 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission and Fees) Rule, 2017.

6. The learned Single Judge of the Delhi High Court in a Writ Petition filed by the petitioner bearing Writ Petition No.13844/2021 under order dated 06.12.2021 observed as under:

"5. In view of this position, it is *prima facie* clear that the order would, therefore, take effect only from the end of the academic session 2021-2022, and there is no impediment to the

petitioner participating in counseling and admitting students for the academic session 2021-2022. The respondents are directed to reflect the correct status of the petitioner on their website and also communicate the same to the petitioner's affiliating university and the concerned State Government."

7. It would appear that, the Delhi High Court observed that, there is no impediment to the petitioner participating in the counseling and admitting the students for the academic session 2021-2022. It further directed the respondents to reflect the correct status of the petitioner on their website and also communicate the same to the petitioner's affiliating University and the concerned State Government.

8. The order passed by the Delhi High Court is unambiguous, thereby permitting the petitioner to admit students for the Academic Year 2021-2022 and also directing respondents therein to reflect the correct status of the petitioner on their website. The duty was also cast upon respondents to communicate the same to the petitioner's affiliating University and the concerned State Government.

9. It was for the respondents to take effective steps pursuant to the directions of the Delhi High Court.

10. The order of the Delhi High Court is dated 06.12.2021 that is much prior to the start of the first CAP round. The petitioner also applied for

the registration for online admission process. On the contrary the application of the petitioner was put on hold. It is submitted by the learned counsel for the petitioner that, after the order dated 06.12.2021, the Delhi High Court has not passed further effective order and the order dated 06.12.2021 is in force.

11. In normal course we would not have entertained the writ petition allowing the petitioner to directly admit students in the institutional round without participating in the CAP round. However, considering the order passed by the Delhi High Court as observed supra and it was respondents who were to take further steps to reflect the correct status of the petitioner on their website, the respondents shall take corrective steps accordingly in tune with the order passed by the Delhi High Court as referred to above immediately.

12. Writ Petition accordingly disposed of. No costs.

13. Parties to act on authenticate copy of this order.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE