

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13112 OF 2022

MOHMMADIYA EDUCATION SOCIETYS MASUMIAYA COLLEGE OF
EDUCATION THROUGH ITS SECRETARY
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for Petitioner : Mr. Shinde Abasaheb D.

AGP for Respondents/State: Mr. S. G. Sangle

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

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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 20th December, 2022

PER COURT :

1. The petitioner/Institution has put forth prayer clauses - 'B' & 'C'

as under:

"B. Issue a writ of Mandamus or writ, order or directions in the nature of writ of Mandamus thereby directing the respondent no.2 Director of Higher Education, Maharashtra State to grant permission to the petitioner college to admit the second unit of 50 students to the B.Ed. Course for the academic year 2022-2023.

C. Issue a writ of mandamus or writ, order or directions in the nature of writ of mandamus thereby directing the respondent Nos.1 to 4 to include the name of petitioner college on Centralize admission process (CAP) online portal and permit the petitioner to admit 1 unit of 50 students for the academic year 2022-2023 for B.Ed. course so as to make the total intake capacity of 100 students forthwith."

2. We have considered the submissions of the learned Advocates for the respective sides.

3. The petitioner was granted recognition dated 11.08.2006 for starting the B.Ed Course for the academic session 2006-2007 with an annual intake of 100 students. Respondent No.2/State of Maharashtra approved the intake capacity of 100 students by an order dated 29.09.2006. The Pune University also granted recognition vide order dated 05.10.2006 and permitted the intake capacity of 100 students.

4. The learned Advocate for the petitioner submits that the entire journey till date was peaceful. An inspection committee conducted the inspection under the NCTE Recognition, 2014 as directed by the Directorate of Higher Education of Maharashtra State and granted 'no objection' for continuation of the approval and recognition, however, subject to the observation that the University approved librarian was not available.

5. The contention of the petitioner is that it was a matter of a formality to be completed that the 100 students had to be allotted to the petitioner, even for the academic year 2022-2023. By an apparent mistake, the State Common Entrance Cell indicated 50 seats to the

petitioner's College by uploading the allotment/vacancy record on its website. This was brought to the notice of the Directorate of Higher Education, State of Maharashtra by the petitioner by a communication dated 12.12.2022. Prior thereto, the Deputy Director of Higher Education, Pune informed the Directorate of Higher Education, State of Maharashtra, vide communication dated 14.11.2022, that a mistake had occurred in showing only one unit for the petitioner and actually it should have been two units comprising of 50% students each. The Directorate of Higher Education is yet to respond to the said communication.

6. In view of the above, this petition is disposed of with a direction to respondent no.2 to immediately pass appropriate orders on the communication dated 14.11.2022 received from the Deputy Director of Higher Education, Pune and preferably, on or before 22.12.2022 till 5:00 pm.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)