

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

WRIT PETITION NO. 7374 of 2022

Shri Rajabhau Jachak College of Education,
Near Canal Arvi Road, Yelakeli,
Tahsil : Seloo, District Wardha,
Run by Shri Vyankatesh Shikshan Sanstha,
District Wardha (Registration No.MH/07.)
through its President-Shri Prashant S/o Rajabhau Jachak,
Aged about 50 years,
R/o. State Bank Colony, Wardha.
District-Wardha.

..... **PETITIONER**

...V E R S U S...

1. Government of Maharashtra,
through its Joint Secretary,
Department of Higher and Technical
Education, Maharashtra,
2. ~~Government of Maharashtra~~
~~through its concerned Officer,~~
The State Common Entrance Test Cell,
through its concerned officer,
8th floor, New Excelsior Building,
A.K.Nayak Marg, Fort,
Mumbai-400 001.
3. The Director of Higher Education,
State of Maharashtra,
Central Building, Pune.
4. The Joint Director of Higher Education,
State of Maharashtra,
Nagpur Division, Nagpur.

Amendment carried
out as per Court's
order dated
29.11.2022
Sd/- Counsel for
Petitioner.

..... **RESPONDENTS**

Shri S.P.Bhandarkar, Advocate for petitioner.
Shri A.S.Fulzele, Additional Government Pleader for respondent nos. 1, 3
and 4.
Shri N.A.Gaikwad, Advocate for respondent no.2.

CORAM :- A.S.CHANDURKAR AND ANIL L. PANSARE, JJ.
DATE :- 29th NOVEMBER, 2022.

ORAL JUDGMENT (Per A.S.CHANDURKAR, J.)

Leave granted to correct cause title of the writ petition. The corrections be carried out forthwith.

Rule. Rule made returnable forthwith.

Shri A.S.Fulzele, learned Additional Pleader waives service of notice on behalf of the respondent nos. 1, 3 and 4 and Shri N.A.Gaikwad, the learned counsel waives service of notice on behalf of the respondent no.2.

Heard finally considering the short issue involved.

2. The recognition granted to the petitioner-College came to be withdrawn by the National Council for Teachers Education (for short, NCTE) on 14.10.2019. That order was subjected to challenge by the petitioner in Writ Petition No.646 of 2021 (*Shri Rajabhau Jachak College of Education, Yelakeli, Tah.Seloo, District Wardha vs. The Director of Higher*

Education, Pune and others. By the judgment dated 10.01.2022 the aforesaid writ petition was allowed in terms of prayer clause (b).

Prayer clause (b) in that writ petition reads as under:

‘(b) By an appropriate writ, Order and/or direction, quash and set aside the action of withdrawal of the recognition of petitioner-College by respondent no.5-National Council for Teacher Education as being arbitrary, illegal, unjust, malafide and against the principles of natural justice.’

It was further directed that the petitioner-College be permitted to take part in the admission process for the Academic Session 2021-22. According to the petitioner, in the said academic year it did take part in the admission process. The grievance now raised by the petitioner is that for the present Academic Year 2022-23, its name has been shown as having been kept “on hold”. This status has been indicated in the list of colleges published by the respondent no.2-State Common Entrance Test Cell. Hence this writ petition.

3. We have heard the learned counsel for the parties. It is not in dispute that the order dated 14.10.2019 passed by the NCTE has been set aside by this Court in Writ Petition No.646 of 2021. Except for that reason, there is no other reason indicated for keeping the name of the petitioner-College “on hold”. In that view of the matter, the following

directions are issued:

- (i) Pursuant to the judgment dated 10.01.2022 in Writ Petition No.646 of 2021, the respondent no.3 shall take immediate steps to instruct the respondent no.2 to include the name of the petitioner-College in the list of eligible colleges, if there is no other legal impediment, the order dated 14.10.2019 having been set aside.
- (ii) On receiving such instructions the respondent no.2-State Common Entrance Test Cell shall take immediate steps to enable the petitioner-College to participate in the further admission process.
- (iii) Rule is made absolute in aforesaid terms leaving the parties to bear their own costs.

Authenticated copy of this order be supplied to the counsel for the parties.

(ANIL L. PANSARE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..