

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

114 WRIT PETITION NO.3979 OF 2022

Trimurti Pawan Pratisthan,
A registered Educational Trust,
Having its Office at Trimurtinagar,
Newasaphata, Taluka Newasa,
District Ahmednagar
Through its Secretary
Mr. Manish Annasaheb Ghadgepatil
Age 41 years Occ. Service & Agri.
R/o. Telkudgaon, Tq. Newasa
District Ahmednagar

...Petitioner

versus

1. The State of Maharashtra
Through its Secretary
Higher and Technical Educational
Department
Mantralaya, Mumbai 32
2. The National Council for Teachers
Education,
Through its Member Secretary
NCTE, G-7, Sector-10, Landmark,
Near Dwarka Metro Station,
Dwarka, New Delhi – 75.
3. The Chairman of Western Regional
Committee, WRC-NCTE,
G-7, Sector-10, Landmark,
Near Dwarka Metro Station,
Dwarka, New Delhi – 75.
4. The Regional Director,
Western Regional Committee - NCTE
G-7, Sector-10, (Near Sector-10,
Metro Station),
Dwarka, New Delhi – 75.

...Respondents

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Advocate for Petitioner : Mr. Anand P. Bhandari
AGP for Respondent No.1: Mr. S.G. Sangle
Advocate for Respondents 2 to 4 : Mr. N.S. Tekale

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 15th FEBRUARY, 2023.**

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.):

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner has put forth prayer clauses B, C and D as under:-

“B) By appropriate writ, order or direction the resolution dated 29.12.2021 to 31.12.2021 passed in 349th meeting of Western Regional Committee of National Council for Teachers Education (Exhibit O) may kindly be quashed and set aside.

C) By appropriate writ, order or direction, respondent Nos. 3 and 4, may kindly be directed to issue revised recognition order in favour of present petitioner for running M.Ed. College from academic year 2013-14 (back dated) within stipulated period.

D) Pending hearing and final disposal of the present writ petition the respondent Nos. 3 and 4 may kindly be directed to issue provisional revised recognition order in favour of the petitioner college for running M.Ed. College for ensuing year and further academic years.”

3. We have considered the submissions of the learned advocates for the respective sides. The learned advocate representing respondent Nos. 2, 3 and 4 i.e. respondent No.2 National Council for

Teachers Education, respondent No.3 Chairman of Western Regional Committee, WRC - NCTE and respondent No. 4. the Regional Director, Western Regional Committee - NCTE, submits on instructions, which have been collected after seeking a pass over, that respondent No.4 vehemently defends the impugned order.

4. This is a classic example by an authority, acting highhandedly with scant respect to the order passed by the High Court and practically, ignoring the order of the High Court. The conduct of respondent No.4 is aggravated in the light of the following factors:-

- a) In an appeal filed by the petitioner before the Member Secretary of NCTE, the same was allowed and the case was remitted to respondent No.4 for necessary action, as indicated in the order passed by the NCTE, dated 15.10.2014.
- b) Without abiding by the said direction of the NCTE, respondent No.4, issued a show cause notice to the petitioner on 10.11.2014. After the petitioner filed a reply, respondent No.4 again passed an adverse order on 7.5.2019.
- c) The petitioner again preferred an appeal under Section 18 of the NCTE Act before the appellate authority. By order dated 27.8.2019, the appeal was allowed and by setting aside the order of respondent No.4, respondent No.4 was directed to decide the case by considering the written reply of the petitioner.

- d) However, by an order dated 10.02.2020, respondent No.4, once again withdrew the order of recognition, by passing a similar order.
- e) The petitioner once again challenged the order in an appeal and by direction dated 29.09.2020, the appeal was allowed and the proceedings were again remitted to respondent No.4.
- f) In the hearing before respondent No.4, the petitioner highlighted the aspects, that were to be considered and even pointed out that the Letter of Intent (LOI) was issued and an amount of Rs.7,00,000/- towards endowment fees (original F.D.R.) was also deposited.
- g) As respondent No.4 was delaying the hearing, in the face of the withdrawal of the recognition of the petitioner, the petitioner was constrained to file a writ petition No. 11604 of 2021 before this Court.
- h) By the reasoned order dated 14.12.2021, this Court formed a *prima facie* opinion that respondent No.4 was acting highhandedly and hence directed it to pass a reasoned order, on the final show cause notice dated 24.12.2020, on or before 31.12.2021, failing which, the High Court would impose a cost of Rs.1,00,000/- on respondent No.4 Committee, which would be recovered from the salary accounts of members of the committee viz. Chairperson, three members, the State representative of the Government of Rajasthan and the Regional Director, WRC, NCTE. It was also conveyed to respondent No.4 that the reasoned order passed by it,

should be intimated to the petitioner instantaneously through email alongwith the hard copy to be posted separately, by speed post A.D.

- i) Despite the above, respondent No.4 held a meeting on 29th, 30th and 31st December, 2021 and without passing a reasoned order, passed a resolution rejecting the proposal of the petitioner, by concluding as under:-

“The reply to the show cause notice submitted is in Marathi Language and not in Hindi or English language. In view of the above, the Committee decided that application of the institution be refused under Section 14/15 (3) (b) of the NCTE Act for M.Ed. Programme.”

- j) The petitioner points out that the representation/reply dated 12.2.2021, in response to the final show cause notice dated 24.12.2020, is wholly in English, running into 18 pages along with the accompanying documents from pages 1 to 146. The said reply is placed on record in this petition. Apparently, the committee has not even touched the reply of the Petitioner.
- k) The learned advocate for respondent No.4 committee submits on instructions that the reply is in English and is not in Marathi.

5. In view of the above, it is apparent that respondent No.4, either has no respect for the orders passed by the appellate authority and by this Court, or has antipathy towards the petitioner. It is beyond comprehension and we are intrigued as to why respondent No.4 is

acting in this fashion. Even under our strict order that if it does not pass a reasoned order, we would impose costs of Rs.1,00,000/-, to be recovered from the salary accounts of the members of the committee, yet, the committee is not respectful. It is submitted that the petitioner has already preferred a contempt proceedings against respondent No.4 which would be considered by the court, assigned with the said jurisdiction.

6. This Writ Petition is partly allowed. In the above circumstances, we do not wish to relegate the petitioner again to the doorstep of respondent No.4 and suffer the same consequences, which it has repeatedly suffered. We deem it pragmatic to transfer the said proceeding to another committee. We are informed that there are four committees, respondent No.4, being one of them. There are committees for the Eastern, Northern, Southern and Western Zones. All these committees function from New Delhi. We, therefore, direct respondent No.2, to issue an appropriate order, within 15 days from today to transfer the instant proceeding of the petitioner, bearing file No. APW 6561/125134, to the Northern committee. Since the pleadings in the proceedings are complete, the Northern committee can proceed to decide the said case. If deemed appropriate, the Northern committee would be at liberty to issue a notice of hearing to the petitioner on its E-mail address, mentioning the date and time, at least 10 days from the date of communication and notice of hearing and after completing the hearing, may pass a reasoned order, copy

of which would be served upon the petitioner through it's E-mail ID, as well as through speed post. The above exercise be completed within 45 days.

7. As was directed, vide paragraph 7 of our order dated 14.12.2021, by which we had preempted, rather warned respondent No.4 of the consequences of not deciding the case by passing a reasoned order, we are imposing the costs of Rs.1,00,000/- which shall be borne, in equal shares by Dr. Ravindra Mahadeorao Kadu, the Chair person, Dr. Anil Kumar, Dr. Mahendra Kumar Chotalia and Dr. Nalini Patil, Members and Dr. Akhil Kumar Shrivastava, the Regional Director, WRC-NCTE, from their salary bank accounts, to be deposited in this Court through the Bank transaction, within 30 days from today.

8. We are not imposing costs on Shri Jai Ram Khatik, the State representative of the Government of Rajasthan and Mr. Onkar Lal Mandloi, the State Representative Government of M.P.

9. Consequentially, the impugned resolution stands quashed and set aside.

10. Rule is made absolute in the above terms.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)