

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

WRIT PETITION NO.6527 OF 2023

1. Sana Junior College
through its Principal
Anees Tabassum w/o. M.A. Badeer
2. Sana Welfare Education Society
through its Secretary
Mohd. Moseequddin S/o Mohd. Wahiduddin ... **PETITIONER**

VERSUS

1. The State of Maharashtra
through it's under Secretary
Skill Development Department,
Mantralaya, Mumbai-32.
2. The Director,
Directorate of Vocational Education
and Training, 3, Mahapalika Marg,
Post Box No. 10036 Mumbai.
3. The Joint Director,
Directorate of Vocational Education
and Training, Regional Office, Aurangabad ... **RESPONDENTS**

...

Advocate for Petitioner : Mr. Bilolika Upendra Bapurao
AGP for Respondent/State : Mr. S.K. Tambe

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 10.07.2023

PER COURT :

Heard the learned advocate for the petitioners and the learned

AGP.

2. The petitioners are challenging the order passed by the Joint Director, Directorate of Vocational Education and Training as well as by the Director in appeal under Rule 7 of the Secondary School Code withdrawing the approval granted to the Computer Science and Fresh Water Fish Culture for 11th and 12th class stream.

3. The learned advocate for the petitioners submits that though there were certain deficiencies noticed those were duly rectified. It was also brought to the notice of the lower authority which decided the initial proposal. Even, compliances were reported to the appellate authority, however, those have not been considered by undertaking appropriate verification. The petitioners would cooperate the authorities if they intend to undertake a fresh verification of the compliances and the matter can be reconsidered.

4. The learned AGP supports both the orders.

5. It is to be noted that pursuant to the order of this Court in Writ Petition No.2379/2023 dated 01.03.2023 the appellate authority was directed to consider and take appropriate decision on the petitioners' appeal at the earliest after extending an opportunity of being heard.

6. The impugned order passed by the appellate authority *inter alia* reads that the representative of the petitioners had submitted that due to the sudden demise of one of the members of the Managing Committee necessary documents could not be placed before the inspection team, however, subsequently those have been complied with according to the norms and

expressly requested to reconsider the matter. Being an appellate authority it was supposed to take a pragmatic view more so in such matter where it was merely a matter of continuation of the existing courses which were already approved in the previous academic year. He has simply reiterated the shortcomings noticed by the inspection team and holding that the Management had not complied with it without even attempting to personally verify it or getting verified it through its subordinate, the appellate authority has passed the impugned order refusing to revoke withdrawal of recognition.

7. In our considered view, the appellate authority could have taken necessary steps to seek and verify the compliances noticed during the inspection. That would have been a positive approach. It is a matter of running of an educational institute and courses which hitherto were duly approved.

8. We allow the writ petition, quash and set aside the orders passed by both the authorities and remit the matter back to the Joint Director who shall now undertake the verification and reconsider the petitioners' request as expeditiously as possible and in any case within four weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)