

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

WRIT PETITION NO.6787 OF 2023

Lal Bahadur Shashtri Mahavidyalaya
Dharmabad, Dist. Nanded,
through its Principal
Dr. Kamlakar Shripatrao Kanse

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through it's under Secretary
Skill Development Department
Mantralaya, Mumbai – 32
2. The Director (Training)
Vocational Education and Training
Directorate, Near Dhobi Talav,
3-Mahapalika Marg,
Mumbai – 400001
3. The Joint Director
Vocational Education and Training
Directorate, Regional Officer,
Aurangabad

... **RESPONDENTS**

...
Advocate for petitioner : Mr. Rathi Swapnil S.
AGP for respondent State : Mr. A.S. Shinde
...

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

DATE : 30.06.2023

PER COURT :

Heard the learned advocate for the petitioner – Management
and the learned AGP for all the respondents.

2. The petitioner which has been running an educational institute
is aggrieved by order of the authorities withdrawing recognition to the

subject Computer Science for 11th and 12th standard by the impugned order which has been sustained even in appeal preferred by it under Rule 7 of the Secondary School Code, 1986.

3. The learned advocate for the petitioner submits that though there were certain shortcomings and even a reference was made while undertaking scrutiny by a committee, the scrutiny had taken place in the month of June or July of the year 2022. The order was passed by the lower authority in September 2022. He would submit that on 17.10.2022 whatever shortcomings noticed by the lower authority were complied with and the documents were produced before the appellate authority. However, without undertaking any further scrutiny to verify such compliance the impugned order has been passed by the appellate authority. He could have resorted to a further inquiry, verified the facts regarding the compliances and could have taken a final decision only thereafter. The order is cryptic and be quashed and set aside. The petitioner may be granted opportunity to once again go before the appellate authority and satisfy it about the compliance of the shortcomings.

4. The learned AGP supports both the orders. He submits that with the shortcomings noticed by the lower authority, it was imperative to withdraw the recognition.

5. It is to be borne in mind that it is a matter of withdrawal of the recognition of a subject being taught at 11th and 12th standard level. Admittedly, till the withdrawal happened the college was running that

course obviously because it must have complied with the requisite requirements. The request cannot be looked upon as a litigation. If the Management is ready to cure the shortcomings, it should always be open for the authorities to reconsider the request for renewal of the course, may be by undertaking further inquiry/scrutiny. Office copy of the communication dated 01.06.2022 reveals that an attempt was made by the petitioner – Management to demonstrate point wise compliance by referring to the shortcomings noticed by the committee which had gone for physical verification. If the material was placed before the appellate authority, it ought to have considered it before taking a final decision. There is absolutely no whisper/reference to the subsequent compliance reported to his office in the month of October 2022.

6. Keeping open all the issues we allow the writ petition partly, quash and set aside the impugned order of the appellate authority and relegate the matter to the respondent No.2 - appellate authority for a fresh decision in accordance with the law by extending an opportunity to the petitioner to put forth all the documents regarding the compliances supposed to be made by it. The decision shall be taken as expeditiously as possible and in any case within three weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)