

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

WRIT PETITION NO. 691 OF 2023
WITH WRIT PETITION NO. 7948 OF 2022

(Gandhi Gram Women's B.Ed College Vs. Government of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri S.P. Bhandarkar, Advocate for the petitioner.

Shri A.S. Fulzele, Additional Government Pleader for respondent Nos. 1, 3 and 4/
 State.

Shri N.A. Gaikwad, Advocate for respondent No.2.

Shri R.M. Sharma, Advocate for respondent Nos. 5 and 6 in WP 691/2023 and for
 respondent No.5 in WP 7948/2022.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MAY 2, 2023

The challenge raised in these Writ Petitions is to the order dated 11/12/2020 passed by respondent No.6 – Western Regional Committee, National Council for Teacher Education by which the recognition granted to the petitioner - Institution came to be withdrawn from the Academic Session – 2021-22.

2] We find that the aforesaid order was the subject matter of challenge by the petitioner before the High Court of Delhi in Writ Petition No. 16727/2022. On 6/12/2022, the learned Single Judge of the High Court of Delhi issued notice in the said Writ Petition. However, subsequently, on 14/12/2022, that Writ Petition came to be withdrawn with liberty to file afresh.

3] We find that since the order dated 11/12/2020 was already subjected to challenge before the High Court of Delhi and while withdrawing such challenge liberty was already granted to file fresh proceedings, we are not inclined to examine the challenge to the very same order as made in the present Writ Petitions. There is no explanation from the petitioner for not availing the liberty as granted by the High Court of Delhi and approaching this Court.

4] Insofar as challenge to the subsequent decision dated 17/1/2023 in the matter of shifting of the Institution is concerned, we find that one of the reasons for refusing permission to shift is the fact that the recognition of the Institution

stands withdrawn on 11/12/2020. Same is the position with regard to the order dated 9/2/2023 which is also under challenge in the present Writ Petitions. We find that unless the petitioner successfully challenges the order dated 11/12/2020, no relief on the basis of subsequent consequential orders can be granted to the petitioner. Since the petitioner has already been granted liberty for challenging the order dated 11/12/2020 by the High Court of Delhi, the present Writ Petitions challenging the same order are not entertained.

5] By keeping the points raised in the Writ Petitions open, it is observed that the petitioner is free to avail appropriate remedy before the High Court of Delhi pursuant to the order dated 14/12/2022 passed in Writ Petition No. 16727/2022.

6] The Writ Petitions are accordingly disposed of. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SUMIT