

1IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2675 OF 2022

Smt. Smita Suresh Purankar,
Aged 68 years, Occ.: Principal,
Shriram Typing Institute,
Mor Bhavan, Yavatmal,
R/o. Gandhi Nagar, Yavatmal,
Dist. Yavatmal

....PETITIONER

...VERSUS...

1. The Maharashtra State Examination Council, through its Commissioner, Pune, 17, Dr. Ambedkar Marg, Pune, 411001.

2. The Deputy Director of Education, Amravati Division, Amravati.

....RESPONDENTS

Mr. P. K. Raulkar, Advocate for Petitioner.
Mr. S. M. Ukey, Addl.G.P for Respondent/State.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**
DATE: **03.04.2023**

. We allow the oral motion moved by the learned Counsel for the petitioner to incorporate the specific challenge to the decision dated 23.08.2022, by amending the prayer clause and incorporating prayer iA.

JUDGMENT : (PER ROHIT B. DEO, J.)

1. Heard. **Rule.** Rule made returnable forthwith by consent of the learned counsels for the parties.

2. The challenge is to the order dated 26.11.2021 rendered by the respondent No.2 - Director of Education, Amravati to withdraw the recognition of the Typing Institute of the petitioner.

3. We issued notice noting that the petitioner is running the Typing Institute since 1967, that the Typing Institute received recognition from time to time, and without hearing the petitioner, the recognition was abruptly withdrawn vide order dated 26.11.2021. We further noted that the appeal preferred before respondent 1 is pending.

4. While issuing notice, *ad interim* relief was granted and respondents were directed to accept the examination forms of the students of the Institute.

5. It appears that during the pendency of the petition, the respondent 1 decided the appeal vide order dated 27.06.2022, and which is assailed by amending the petition and incorporating prayer clause iA.

6. The appellate order makes an interesting reading.

The appellate order notes that all the stakeholders are heard and that submissions are placed on record by all the stakeholders including the petitioner Institute and the concerned officer/s. After noting that submissions are filed, and without indicating the process of reasoning, in one sentence, the appellate authority records that appropriate action be initiated in accordance with the decision which may be rendered in the present writ petition.

7. We do not approve of the manner in which the appeal is decided. It is true that we permitted the petitioner to invoke writ jurisdiction notwithstanding the pendency of the appeal. But then, the indulgence was shown since the students of the Typing Institute were to appear for certain examinations and no decision was taken in the appeal. The appellate authority could not have abdicated the responsibility of looking into the merits of the matter and recording appropriate findings.

8. We quash both the orders impugned.

9. If the authorities wish to take the matter further, we permit the authorities to initiate appropriate action in accordance

with law, and needless to observe after issuing fresh notice to the petitioner and granting opportunity of hearing.

10. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

RGurnule