



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

WRIT PETITION NO. 3095 OF 2024

Jai Maharashtra Seva Bhavi Sanstha
Rajashree Shahunagar, through its
Secretary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. P. Deshmukh, Advocate h/f Shri Sachin S. Deshmukh,
Advocate for the Petitioner.

Mrs. Kalpalata B. Patil Bharaswadkar, A.G.P. for the Respondent
Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 29 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally.

2. Petitioner is challenging order dated 23.12.2023 passed by the respondent No. 1/Director of Vocational Education and Training, State of Maharashtra, Mumbai rejecting the appeal preferred by the petitioner. Petitioner seeks reliance on the judgment rendered by this Court in similarly circumstanced matter of Lal Bahadur Shashtri Mahavidyalaya, Dharmabad, Dist. Nanded Vs. The State of Maharashtra and others, Writ Petition No. 6787 of 2023 decided vide order dated 30.06.2023.

3. Petitioner runs a self financed school since the year 2016. It is permitted to start vocational courses on non grant basis for

curriculums namely Crop Science and Computer Science vide Government Resolution dated 30.12.2021. Petitioner made necessary arrangements and commenced the courses. Inspection was conducted by the respondent No. 3 authority and it was revealed that infrastructure provided by the petitioner was not adequate. The recognition of vocational courses of Crop Science and Computer Science was withdrawn by the respondent No. 2/Joint Director of Vocational Education and Training, Aurangabad vide order dated 01.08.2023.

4. Being aggrieved, by order dated 01.08.2023, the petitioner preferred an appeal under Rule 7.5 of the Secondary School Code, 1986 on 21.08.2023. The petitioner submitted application before the appellate forum requesting to conduct inspection by application dated 20.09.2023.

5. By the impugned order, the respondent No. 1/Director partly allowed appeal, restored the recognition of course of Crop Science, but confirmed derecognition of Computer Science.

6. Learned Assistant Government Pleader for the respondents supports the impugned order and prays to dismiss the petition.

7. Petitioner is aggrieved by order of derecognition in respect of Computer Science. On 20.09.2023, petitioner submitted application requesting the respondents to conduct inspection. It is vehemently contended by the petitioner that it has adequate infrastructure for Computer Science. It is further submitted that it has rectified mistakes and the deficiencies. The application of

the petitioner has not been considered by the respondent No. 1. No inspection has been conducted to verify whether there exists adequate infrastructure and/or the shortcomings have been cured or not.

8. Learned counsel for the petitioner has rightly referred to our order in the matter of Lal Bahadur Shashtri Mahavidyalaya, Dharmabad, Dist. Nanded Vs. The State of Maharashtra and others in Writ Petition No. 6787 of 2023. We reiterate para No. 5 as follows :

“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.”

9. We propose to follow the same course of action. Before taking any final decision, the Appellate Authority ought to have

directed to undertake physical verification. Keeping open all the issues, we allow the writ petition partly by passing following order :

O R D E R

- I. Impugned order dated 23.12.2023 passed by the respondent No. 1/The Director of Vocational Education and Training, Mumbai (Appellate Authority) is quashed and set aside.
- II. The matter is relegated back to the respondent No. 1/ The Director of Vocational Education and Training, Mumbai (Appellate Authority) for fresh decision in accordance with law by extending an opportunity to the petitioner to put forth all the documents showing compliances.
- III. The respondent No. 1 shall direct to conduct physical verification before taking final decision in the matter.
- IV. The respondent No. 1 shall decide the appeal as expeditiously as possible and in any case within a period of six (06) weeks from today. All points are kept open.
- V. The writ petition is disposed of in above terms.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]