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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2867 OF 2025

Shikshanshastra Adhyapak
Shikshan Sanstha
Through Secretary
D J Chafodikar & Anr.

...Petitioners

vs.

The Member Secretary
National Council for Teacher
and Education & Ors.

...Respondents

Mr. C. G. Gavnekar with Ashutosh Gawankar and Rohit Parab for the
Petitioners.

Mr. Satyajeet A. Rajeshirke with Mr. Gautam R. Kulkarni for Respondent
Nos.1 and 2.

Mr. Vikram N. Walawalkar with Rohan A. Desai for Respondent No.3.

Ms. S. G. Talhar AGP for Respondent Nos.4 to 6.

CORAM : SHYAM C. CHANDAK, J.

DATE : 2nd MAY 2025

P. C. :

. Present Petition challenged the Order dated 03/09/2024,
passed by Respondent No.2 and subsequent Order dated 31/02/2025,
passed by the Appellate Authority-Respondent No.1 thereby confirming the
Order dated 03/09/2024 and seeks quashing and setting aside of the said
Orders. Additionally, it is prayed to grant ad-interim relief in terms of
prayer clause (b) to (d) read with clause (e), pending the hearing and final
disposal of the Petition.

2) Mr.Gavnekar, learned Counsel for the Petitioners submitted

brief particulars of the staff working in the college-Petitioner No.2. It is taken on record and marked as 'X' for identification.

3) Heard Mr.Gavnekar, learned Counsel for the Petitioners, Mr.Rajeshirke, learned Counsel for Respondent Nos.1 and 2, Mr.Walawalkar, learned Counsel for Respondent No.3 and Ms.Talhar, learned AGP for Respondent Nos.4 to 6. Perused the Petition.

4) Petitioner No.1 is an Education Society and Petitioner No.2 is the college run by Petitioner No.1. As provided in the applicable Regulation 5.1 of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014, the Petitioner is permitted to have an intake of two basic units of 50 students each to conduct B. Ed. course. Said Regulation 5.1 reads :

“5.1 Academic Faculty

For an intake of two basic units of 50 students each, that is total students strength of 200, there shall 16 full-time faculty members.

The distribution of faculty across different curricular areas shall be as under :-

1.	Principal/HoD	One
2.	Perspective in Education	Four
3.	Pedagogy subjects (Maths, Science, Social Science, Language)	Eight
4.	Health and Physical Education	One
5.	Fine Arts	One
6.	Performing Arts (Music/Dance/Theatre)	One

Note: (i) The faculty positions listed under different subject categories may teach course(s) in the Teacher Education Programme across circular areas specified, and can cater to both foundation and pedagogy course(s). If the students' strength for two years is one hundred (with one basic unit) only, the number of faculty shall be reduced to 8.

(ii) Faculty can be utilised for teaching in flexible manner so as to optimize academic expertise available.

6) Mr.Rajeshirke, learned Counsel for Respondent Nos.1 and 2 submitted that Petitioner No.2 is not having the Principal/HoD as the Principal occupying that post has retired. There are only 2 faculties for Perspective in Education. There are only 4 faculties for Pedagogy subjects, two of them are not holding the requisite qualification. The faculties for Health and Physical Education, Fine Arts and Performing Arts (Music/Dance/Theatre) engaged on Clock Hourly Basis (CHB), which should be permanent. Therefore, by the impugned Order the recognition granted to the Petitioners to conduct B.Ed. programme has been withdrawn.

7) Mr.Gavnekar, learned Counsel admitted he said shortcoming but contended that the Petitioner No.1 has submitted an application with Respondent No.3 to reduce the said two unit to one such unit due to compelling reasons. Therefore, the Petitioner should have only half of the Academic Faculty provided in the said Regulation 5.1. On this, Mr. Rajeshirke submitted that then the Petitioner No.1 should have at least one permanent Academic Faculty for the subjects namely Health and Physical

Education, Fine Arts and Performing Arts (Music/Dance/Theatre). Besides, the petitioner should have 2 permanent Academic Faculties duly qualified for the Pedagogy subjects.

8) In this regard Mr.Gavnekar, on instructions, submits that the Petitioners would take immediate steps to fill in the vacant post/s and appoint qualified academic faculties for the required subjects within three months from today. However, he submitted that the said process would take time and it is possible only with the involvement and assistance of Respondent No.3. Mr.Walawalkar, the learned Counsel for Respondent No.3, on instructions, stated that Respondent No.3 will promptly respond to all requisitions and endeavors by the Petitioners to fill in the vacant post/s and appoint the qualified academic faculties for the required subjects. Said statements are accepted as an undertaking to the Court.

9) Additionally, Mr.Gavnekar, the learned Counsel submitted that Petitioner No.2 is the only college in the area which has been conducting the B.Ed course since 2004. He submits that if the impugned orders are not stayed, then the students aspiring to do B.Ed will be denied an opportunity to pursue the B.Ed course in the nearby area, with less cost. He submitted that the impugned order will also adversely impact on the employment of the existing staff member. Lastly, Mr.Gavnekar submitted that there was interim relief in favour of the Petitioners from 06/09/2018 till passing of the impugned order 31/01/2025. Therefore, he urged that

necessary interim relief may be granted.

10) In the backdrop of the above discussion, there shall be stay to the impugned Order in terms of prayer clauses (b) read with (e) only, till the next date, i.e., **18th August 2025**.

11) Since the Petitioner No.1 has already submitted an Application to reduce the two units to one such unit, Mr.Walawalkar, the learned Counsel for Respondent No.3, on instructions, states that said Respondent will expedite the hearing and disposal of the said Application. To assist this process, Petitioner No.1 shall re-submit the said proposal within two weeks from today, if the said proposal is pending till date.

12) Stand over to **18th August 2025**.

(SHYAM C. CHANDAK, J.)