

HIGH COURT OF MADHYA PRADESH

WP.No.413/2021

**(Omana Educational Society, Porsa through its President Vs. The
State of M.P. & Another)**

Gwalior, Dated : 13.01.2021

Shri Nakul Khedkar, learned counsel for the petitioner.

Shri Alok Bandhu Shrivastava, learned Panel Lawyer for the
State.

In the wake of unprecedented and uncertain situation due to outbreak of the Novel Corona virus (COVID-19) and considering the advisories issued by the Government of India, this petition has been heard and decided through video conferencing to maintain social distancing. The parties are being represented by the respective counsel through video conferencing, following the norms of social distancing/ physical distancing in letter and spirit.

With the consent of the parties, the matter is finally heard through Video Conferencing.

The present petition has been filed under Article 226 of the Constitution of India seeking following reliefs:-

“(i) That the impugned order Annexure P/1 and P/2 may kindly be quashed and/or the appeal which has been submitted as Annexure P/8 may kindly be decided within specified period not more than 15 days so the institution may submit appropriate application in the case of grant of recognition, for affiliation before the

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Hon'ble Court may deem fit may also be
directed to be extended in favour of the
petitioner in the interest of justice.**(iii) Costs of this petition may also
awarded in favour of the petitioner.”*

The present petition has been filed by the petitioner being aggrieved by the impugned orders Annexures P/1 and P/2 whereby, his on-line application for grant of NOC for opening of new college has been rejected and review filed against the said order Annexure P/2 has also been rejected inspite of the fact that the petitioner is fulfilling minimum eligibility criteria.

It is submitted by counsel for the petitioner that against the order passed in the review submitted by the petitioner Annexure P/1, the petitioner had preferred an appeal Annexure P/8 on 12.10.2020 before the respondent No.1, which is lying pending and not being attended to by the respondent No.1. As the new academic session is due to start from April, 2021, counsel for the petitioner makes innocuous prayer to the effect that a direction may be given to the respondent No.1/appellate authority to decide the appeal of the petitioner Annexure P/8 within a short period.

Learned Panel Lawyer for the State has no objection to the prayer

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made by the petitioner stating that if any such appeal is lying pending, the same shall be decided at an early date.

Considering the innocuous prayer made by counsel for the petitioner, this court deems it appropriate to direct the petitioner to approach respondent No.1 by filing an application along with the memo of appeal and relevant documents and a copy of the order passed by this court today within seven working days and in turn, the respondent No.1/appellate authority shall dwell upon the same appeal Annexure P/8 and decide the same finally within a period of fifteen days from today and the outcome of the same be communicated to the petitioner.

Needless to mention that this court has not expressed any opinion on the merits of the case.

Accordingly, this petition stands disposed of with no order as to the cost.

E-copy of this order be provided to the petitioner and it is made clear that E-copy of this order shall be treated as certified copy for practical purposes in respect of this order.

(Vishal Mishra)
Judge

AK/-