

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

WRIT PETITION NO. 4650 OF 2014

Nagaon Education Society's
Institute of Pharmacy, Nagaon
Tq. & Dist. Dhule
Through its Principal
Sachin s/o Vijay Chordiya,
age 29 years, occ. service,
r/o Nagaon
Tq. & District Dhule.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through the Secretary
Higher Technical Education and
Employment Department,
Government of Maharashtra
Mantralaya, Mumbai 400 032.
2. The Director of Technical Education
Government of Maharashtra,
3, Mahapalika Marg,
Mumbai 400 001.
3. The Maharashtra State Board of
Technical Education,
Government Polytechnic Building
Kherwadi, Bandar (E)
Mumbai
Through its Director.
4. All India Council for Technical Education,
7th Floor, Chandralok Building,
Janpath, New Delhi 110001.
5. The Pharmacy Council of India
Through its Registrar Cum Secretary,
Combined Council Building,
Kotala Road, Ali Yavarjang Marg,
New Delhi 110002.

.. RESPONDENTS

Mr. V.B. Jadhav, advocate holding for Mr. A.V. Hon, advocate for petitioner.
Mr. U.S. Mote, AGP for the State.
Mr. S.V. Adwant, advocate for respondent no. 4.
Mr. Alok Sharma, advocate for respondent no. 5.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 8th OCTOBER, 2015.**

JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner is aggrieved by the order dated 06.06.2014 issued by the State Government restricting admission capacity of the petitioner-college to 60 students as against 120 students permitted during the preceding year. It is not a matter of dispute that AICTE has approved intake capacity of the college to the extent of 120 students during the year 2013-2014. There is no order restricting admission capacity of the college issued by AICTE. It also cannot be controverted that it is the domain of AICTE to approve intake capacity and other academic matters and, any order, contrary to the approval accorded by AICTE, is not expected to be issued by the State on consideration of the instructions from the Pharmacy Council of India.
4. Reliance is placed on a judgment in the matter of Gandhi College of Pharmacy Vs. AICTE, reported in AIR 1995 PH 315 so also interim order passed by the Supreme Court in SLP (Civil) No. 7277/2014 on 09.05.2014 as well as order passed by this Court in Writ Petition No. 5750/2013 and other companion matters on 18.07.2013. On consideration of said orders, referred to above, the Division Bench of this court, by order dated 18.06.2014,

permitted the institution to admit students through Centralised Admission Process to first year diploma in pharmacy and as such, accordingly, by virtue of interim order, the College has granted admission to the students within limit of permissible intake approved by AICTE, provisionally. It has been further submitted that even for the next academic year i.e. 2015-2016, the students have been admitted by petitioner-college to the said course. It has been stated that even for the academic year 2015-2016, the Apex Court has passed interim order permitting AICTE to grant extension of approval. The academic year 2014-2015 has come to an end and, the interim order issued by the Supreme Court, permitting AICTE to grant extension of approval, is also in force.

5. In view of the reasons recorded above, writ petition deserves to be allowed in terms of the interim order passed by this Court and the same is accordingly allowed. Rule made absolute in above terms. In the facts and circumstances of the case, there shall be no order as to costs.

(P.R. BORA)
JUDGE

dyb

(R. M. BORDE)
JUDGE