IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5698 OF 2014

ADITYA EDUCATION TRUST, BEED THR. ITS PRESIDENT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Petitioners : Mr. Salunke V. D.
AGP for Respondents: Mr. K.G. Patil
.....

CORAM : S. V. GANGAPURWALA AND V. K. JADHAV, JJ.

DATED : 22nd JUNE, 2015

P.C. :-

1. The petitioners seek directions to include the name of the petitioner No.2 in the brochure for centralized admission process (CAP) and to allow the students to be admitted in petitioner No.2 college for diploma in Pharmacy for the academic year 2014-15 with intake capacity of 180 students through centralized admission process.

2. It is submitted by the learned counsel for the petitioners that AICTE has granted permission to the petitioners to conduct diploma in Pharmacy courses with intake capacity of 180 students for the academic year 2014-15. However, the name of the petitioner No.2 is not being shown in the list of colleges for admitting 180 students.

3. This court vide interim order dated 11.7.2014 had allowed the petitioner college to admit the students provisionally through centralized admission process (CAP) for diploma in Pharmacy course subject to outcome of present writ petition.

4. Learned A.G.P. submits that the statistics is collected. After analysis of the statistical information, the committee has suggested three perspective action plan and it was observed that no more new institutions are required in the State of Maharashtra for any professional programme and also no need to increase any academic capacity. Moreover, the petitioners' proposal was not recommended by the State Government as the seats were not available in diploma of Pharmacy as per the perspective plan. However, in view of the interim order dated 11.7.2014 name of the petitioner college is displayed on DTE website.

5. It would appear that vide earlier judgment of the Apex Court, the Apex Court has held that AICTE is supreme body. In the present matter, it is not disputed that the AICTE has granted permission to the petitioner institution to run the diploma in pharmacy course with intake of 180 students. Even in the case of Orissa Technical Colleges Association vs. AICTE and another (Special Leave to

Appeal (Civil) No. 7277 of 2014, dated 9.5.2014), the Apex Court vide interim order has allowed the AICTE to grant permission.

6. In the light of above, we dispose of the writ petition in terms of interim order passed on 11.7.2014. It is made clear that those students, who are admitted pursuant to the interim order passed by this Court, are allowed to appear for the examinations, if otherwise are found eligible and to declare their results. They shall also be permitted to prosecute further studies in case there is no other impediment.

7. Writ petition accordingly stands disposed of. No costs.

(V. K. JADHAV, J.) **(S. V. GANGAPURWALA, J.)**

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