

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

WRIT PETITION NO. 7535 OF 2015

Shri D. Pharmacy College through its
Principal and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Ajit B. Kadethankar, Advocate for Petitioners.
Shri K. J. Ghute Patil, A.G.P. for Respondent Nos. 1 and 3.
Shri S. V. Adwant, Advocate for the Respondent No. 2.

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

DATE : 07TH AUGUST, 2015.

PER COURT :

. Mr. Kadethankar, the learned counsel for petitioners states that, the petitioners had applied for extension of approval for the period 2015-2016 with the respondent No. 2. However, by mistake had not paid the fees required for processing the said application. The application is rejected on the ground that fees is not paid within the stipulated period. It was due to unavoidable circumstances the petitioners could not pay the fees, even the petitioners are ready to deposit the same along with penalty as may be directed. According to the learned counsel, the centralized admission process had commenced. The petitioners

may not get any new students now, but there are 24 students who have taken admission and the petitioners can cater to those 24 students and further inspection would be made, for the said purpose also extension of approval would be necessary. According to the learned counsel, because of the technical reason the petitioners may not be made to suffer.

2. Mr. Adwant, the learned counsel submits that, schedule of accepting the application, taking decision over the same is part of the statute. The Apex Court in a case of **Parshwanath charitable Trust and others Vs. All India Council for Technical Education** reported in (2013) 3 SCC 385 has held that, the same is mandatory.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The Apex Court has in unequivocal terms laid down that, the schedule with regard to the acceptance of forms and taking decision for approval/extension of approval/rejection of approval has a statutory backing and the adherence to the same is mandatory and not directory. The last date for granting approval/extension of approval or rejection of approval is over long back. In the light of the above, even the AICTE will not have power to consider the application of the petitioners for grant

of extension of approval, even if, the fees is deposited by petitioners.

5. Considering the above, the contentions raised in the petition cannot be entertained. As such, the writ petition is disposed of. No costs.

6. Needless to state for the next year, the petitioners can apply as per the Rules.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15