

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.8143 OF 2016

SAHAYOG SEVABHAVI SANSTHA
INDIRA COLLEGE OF PHARMACY
SAHAYOG EDUCATIONAL CAMPUS
THROUGH ITS PRINCIPAL. ..PETITIONER.

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS. ..RESPONDENTS.

...
Advocate for Petitioner: Mr.A.D. Shinde h/f Mr.
Jadhav Chandrakant A
AGP for Respondents/State: Mr. A.G. Magre.
Advocate for Respondents : Mr.Alok Sharma for
R.No.3, Mr.Y.V. Kakade for R.No.4.
...

CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: 2nd AUGUST, 2016.

PER COURT :-

Heard the learned Counsel for the parties.

2. The learned Counsel for the petitioner has tendered across the Bar the minutes of the meeting and also the relevant documents. The same are taken on record. He submits that one Shree Chanakya Education Society and

another filed Writ petition No.8646 of 2016 before the Principal Seat and on July 26, 2016, the Division Bench at Principal Seat has given directions to the respondent - State to issue Government Resolution so as to allow the petitioner - institution to participate in the CAP round for Pharm.D (Doctor of Pharmacy). He submits that even Shree Chanakya Education Society was granted permission by the Pharmacy Council of India in the meeting held on 15th July, 2016 and the present petitioner has also been granted permission by the said council - respondent No.3 to admit 30 students for the said course.

3. The learned AGP appearing for the State submits that three CAP rounds are over and 4th CAP round is already in progress, which has commenced w.e.f. 31st July, 2016. Therefore, he submits that though the learned

AGP appearing for the State in the aforesaid matter conceded before the Principal Seat that the petitioner – College will be allowed to participate in the CAP round for the said course with 30 intake capacity for the academic year, 2016-17, in the present case, in view of the fact that three CAP rounds are over and 4th CAP round is in progress, no such decision can be taken by the State Government.

4. Upon perusal of the documents placed on record, it appears that the decision to allow the petitioner to admit 30 students for the said Course was taken in the meeting of the Executive Committee of respondent No.3 on 15th July, 2016. Respondents No.1 and 2 do not dispute that position. Even, the said Shree Chanakya Education Society was also granted permission to admit the students in the said meeting. It further appears that the

petitioner approached the Director, Higher and Technical Education, Mumbai on 26th July, 2016 requesting to take decision so as to allow the petitioner to participate in the admission process. Upon perusal of the copy of the letter at Exh.C (page No.20 of the compilation), it is abundantly clear that the office of the said authority has received the said letter on 27th July, 2016. No reasons are forthcoming from the respondents as to why the said letter was not responded immediately. Since the Division Bench at the Principal Seat has passed final order in the aforesaid writ petition and allowed the petitioner - society therein to participate in the CAP by giving directions to respondent Nos.1 and 2, we also propose to pass the same order.

5. We direct respondent Nos.1 and 2 to allow the petitioner - College to participate in

the CAP for the aforesaid Pharmacy Course with intake capacity of 30 students for the academic year, 2016-17. We make it clear that the petitioner has to accept the position that already three CAP rounds are over and 4th CAP round is in progress. Needless to observe that since we have directed respondent Nos.1 and 2 to allow the petitioner – college to participate in the CAP from today onwards, the respondents should expedite the process of issuance of Government Resolution regarding approval to the petitioner – institution for the aforesaid course for the academic year 2016-17, as expeditiously as possible and at any rate, within one week from today. Respondent No.4 – University thereafter, within a week, should grant affiliation to the said course run by the petitioner and the name of the petitioner shall be uploaded on the Website for the CAP immediately.

6. Writ petition stands disposed of in the above terms.

7. Parties to act upon authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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