

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5287 OF 2016

Sukhdev and Kamal Sharma
Educational Trust's, Mile-Management
Institute for Leadership & Exceelence,
Wagholi, Pune.

..Petitioner.

Versus

All India Council For Technical Educational
Through its Western Regional Office
and Another.

..Respondents.

Mr. Y. S. Jahagirdar, Senior Advocate with Mr. Surel S. Shah, Mr.
Saurabh Butala for the Petitioner.
Mrs. Meena M. Doshi for Respondent No. 1.
Mrs. M. P. Thakur, AGP for Respondent No. 2.

Coram : SHANTANU KEMKAR &
RANJIT MORE, JJ.

Date : **May 3, 2016.**

P. C. :

1. Parties through their counsel.
2. By filing this writ petition under Article 226 of the Constitution of India, the Petitioner has challenged the order dated 11th April 2016 [*Exhibit-J to the petition*] by which the Petitioner-college has been categorised for the "*no admission*" on account of the deficiencies shown in the impugned order.
3. According to the learned Senior Counsel appearing for the Petitioner, most of the deficiencies were already removed

and only few deficiencies which could have been removed, but for which the Respondent – AICTE have not granted time to the Petitioner and without granting such opportunity, drastic order in the nature of no admission category has been passed against the Petitioner.

4. On the other hand, the learned Counsel appearing for the Respondent submits that in fact the Petitioner did not produce the requisite documents to show that the deficiencies pointed out in the inspection have been cured by the Petitioner. She submits that the Petitioner was given ample opportunity but the Petitioner failed to produce any material to support his contentions.

5. Having considered the submissions advanced by the learned Counsel appearing for the respective parties and having gone through the documents and the pleadings, we are of the view that the matter requires to be remitted back to the Committee of AICTE for taking fresh decision in the matter with liberty to the Petitioner to submit relevant documents afresh as may be necessary. The Petitioner to appear before the said Committee along with relevant documents on 30th May 2016. The

Committee may also consider the undertaking as may be given by the Petitioner about the time required for installation of the lift. The appropriate decision in this regard to be taken by the committee within three weeks from the date of appearance of the Petitioner before it.

6. Learned Counsel appearing for the Petitioner submits that during this time, the Petitioner-institution has already admitted 56 students to the 1st year of the course in question. Be that as it may, those admissions will also be subject to the decision as may be taken by the Committee. The students who have already been admitted shall not be entitled to claim any equity in case the approval is rejected. All contentions are left open. It is clarified that all admissions will be subject to the outcome of the decision by the Committee.

7. In view of the aforesaid, the impugned order is set aside. Petition stands disposed of.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]