

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 3628/2015.

Young engineer's Education Society.

-VERSUS-

The State of Maharashtra and others.

WRIT PETITION No. 3635/2015.

Dr.s.K. Toshniwal Educational Trusts Vidarbha Institute of Pharmacy.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : AUGUST 01, 2016.

Heard Shri B.G. Kulkarni, learned Counsel
for the petitioners, Shri S.B. Bissa, learned A.G.P. for
respondent nos.1, 2 & 5 and Shri R. Deo, learned
A.S.G.I. for respondent no.4, for some time.

2. Question is – Whether Council functioning
under the All India Council for Technical Education
Act, 1987 or then functioning under the Pharmacy Act,
1948 has the power to look into the intake capacity of
petitioners ?

3. AICTE has allowed intake capacity of 120

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students, while the Pharmacy Council has allowed only 60. After hearing learned counsel for the petitioners, we find that the petitioners are required to approach this Court every year because of this inconsistency, and this Court by interim orders have permitted petitioners to abide by the intake capacity determined by AICTE.

4. These Writ Petitions pertain to admissions made in the academic year 2015-16. For academic year 2016-17 another petition has been filed and interim orders are already obtained by the petitioners.

5. None is present for AICTE in these matters. Shri R. Deo, learned A.S.G.I. with Ms. M. Chandurkar, learned Counsel for respondent - Pharmacy Council and Shri Bissa, learned A.G.P. for respondent Nos. 1,2 and 5 are present.

6. In these matters, on 30.06.2015, while issuing notice to respondents, by way of an interim order petitioners have been permitted to admit students through Central Admission Process to D.Pharm Course by treating intake capacity as 120. The Course is of two years and students accordingly admitted have already put in one year. Practically therefore, the situation has become irreversible for

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those students.

7. We in this situation are inclined to dispose of the Writ Petitions with direction to respondent nos. 3 and 4 not to issue such inconsistent order in so far as the intake capacity for the academic year 2017-18 and onwards is concerned.

8. We accordingly make rule absolute in terms of the interim orders dated 30.06.2015, subject to above directions. Writ Petitions are thus, partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded is a true and correct copy of original signed judgment/order.

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Pvt. Sec.