

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

WRIT PETITION NO.8252 OF 2017

Nagaon Education Society's
Gangamai College of Pharmacy,
At Nagaon, Taluka and District Dhule,
through its Vice Principal,
Shri Gopichand Kashiram Bhoi
Age 41 years, Occ. Service,
R/o 24, Oswal Nagar, Deopur, Dhule,
Taluka and District Dhule

... PETITIONER

VERSUS

1. The State of Maharashtra,
through the Secretary for
Higher and Technical Education
Department, Mantralaya,
Mumbai.
 2. The Director of Technical Education,
3, Mahapalika Marg,
Maharashtra State, Mumbai.
 3. Pharmacy Council of India,
Combined Council Building,
Kotla Road,
Aiwan-E-Ghalib Marg,
New Delhi - 110 002
 4. North Maharashtra University,
Umavi Nagar,
Jalgaon, Maharashtra - 425 001
- ... RESPONDENTS

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Shri V.D. Hon, Senior Counsel with
Shri A.V. Hon, Advocate for petitioner
Shri A.V. Deshmukh, A.G.P. for State
Shri A.B. Girase, Advocate for respondent No.4
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CORAM: ANOOP V. MOHTA AND
 SUNIL K. KOTWAL, JJ.

DATED: 29th June, 2017.

ORAL JUDGMENT (Per Anoop V. Mohta, J.):

1. Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel for the parties.

2. The petitioner's education trust/ institution has filed the present writ petition again as the respondents, specifically respondents No.2 and 4, denying the prayed intake capacity, in spite of orders passed by this Court from time to time since 2014-2015 till this date permitting the petitioner's college by retaining intake capacity to the First Year Diploma in Pharmacy based upon the AICTE order/ approval for the respective years, including the academic year 2017-2018. We have noted all those orders passed by this Court, dated 4/7/2014, 29/1/2015, 3/7/2015, 14/7/2015 and 27/6/2016. Therefore, there is no reason to discontinue the said position on facts, specifically when the AICTE being a supreme authority, has accorded sanction so required including the intake capacity till this date.

3. This Bench, in Writ Petition No.6259/2017 (Shri Vile Parle Kelvani Mandal Vs. State of Maharashtra & others) and Writ

Petition No.7706/2017 (Jijamata Shikshan Prasarak Mandal's Kamlatai College of Architecture Vs. State of Maharashtra & ors.), considering the scheme, purpose and object of AICTE and its supremacy including the order passed by the Hon'ble Supreme Court pending the issue of supremacy about AICTE and/or Pharmacy Council and subject to the Supreme Court decision, directed the respondents to grant affiliation/ permission to start college for academic year 2017-2018, as approved and sanctioned by AICTE. Therefore, for the same reason, and in view of above factual position on record, the writ petition is allowed to the following extent :

ORDER

(a) The Writ Petition is allowed. in terms of prayer clause (B), which reads as under :

(B) Issue a writ of certiorari or writ in the nature of certiorari to quash and set aside the display made by the Director of Technical Education on 23/6/2017 for the CAP round showing the intake of the petitioner Pharmacy College as 60 instead of showing intake of 120 as approved by the AICTE, New Delhi.

- (b) Respondent Nos.3 and 5 are directed to grant affiliation/ permission to petitioner to start college for the academic years 2014-2015, 2015-2016, 2016-2017 and 2017-2018, as approval/ sanctioned by the AICTE by order dated 30/4/2017 forthwith.
- (c) Petitioner needs to complete all formalities including payment of fees, if any, to the respondents.
- (d) The petitioner to comply with all the formalities and remove all defects, if any.
- (e) Respondent No.5 to have complete inspection, if necessary, within two weeks and deficiencies, if any, need to be removed at the earliest by the petitioner institution.

4. This order is subject to final order of the Supreme Court as the issue about the supremacy of AICTE over Pharmacy Council and/or Council for Architecture is still pending. Rule is made absolute in above terms.

5. Respondents also to intimate to the students about the pendency of the issue in the Court.

6. Rule made absolute in above terms.
7. Parties to act upon authenticated copy of this order.

(SUNIL K. KOTWAL)
JUDGE

(ANOOP V. MOHTA)
JUDGE

fmp/