

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 14261 OF 2017

Man Vidya Prasarak Mandal

... Petitioner

Vs.

**All India Council for Technical
Education & Ors.**

... Respondents

Mr. Mihir Desai, Senior Counsel i/b Mr. Swaraj S Jadhav, Adv. for the
Petitioner.

Meena H. Doshi, Adv. for Respondent No.1 AICTE.

Mr. B.V. Samant, AGP for Respondent No.4.

CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 12 JUNE 2017.

P.C.:-

1. The Petitioner has approached this Court originally challenging the order of AICTE dated 22nd March 2017 thereby rejecting permission to the Petitioner to start a new Pharmacy College. During the pendency of the Petition, the Petitioner had also preferred a statutory appeal before Standing Committee of the Respondent No.1. However, the same also came to be rejected vide order dated 30th April 2017, which according to the Petitioner has served upon them on 18th May 2017, during the pendency of the Petition.

2. Mr. Desai, learned Senior Counsel appearing on behalf of the Petitioner submits that during the pendency of the appeal before the Standing Committee itself all the shortcomings were removed by the Petitioner and as such request was made to the Standing Committee to appoint another experience committee to inspect the facilities provided by Petitioner. Mr Desai, learned senior counsel submits that, however, without doing so and without verifying as to whether the shortcomings are removed or not the appeal has been rejected.

3. Smt. Joshi, learned counsel appearing for the Respondent No.2, on the contrary submits that, the Petitioner is already having another college and it is quite possible that the facilities which are in the other college are shown to be facilities in the proposed college.

4. While deciding Petition under Article 226 of the Constitution of India, it will not be permissible for us to go into the disputed questions of the fact. In any case the Apex Court *Parshavanath Charitable Trust & Ors Vs. All India Council for Tech. Education & Ors.*¹ have clearly held that if a permission is granted to college after 30th April

1 Supreme Court, Civil Appeal No. 9048 of 2012

of the academic year then admission authority cannot include such a college for the said academic session. In that view of the matter even if we decide the Petition on merits, the decision would be only an academic one in as much as no fruitful purpose would be served.

5. In that view of the matter, we do not propose to go into the merits of the matter. Needless to state that, the Petitioner can always request on the basis of same facilities in the academic session 2018-2019 and if the facilities provided by it are in accordance with the norms of the AICTE. AICTE will be bound to consider the same while considering the Petitioner's propose college.

6. The Petition is, therefore, rejected in view of the aforesaid observations.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)