

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3893/2016

(Shri Amit Vinodrao Dhomne vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Shri A.s.Kilor, Adv. for petitioner
 Shri B.M.Lonare, A.G.P for respondent no.1
 Shri Abhijit Deshpande, Adv. for respondent no.2
 Shri Arun Agrawal, Adv. for respondent no.3

**CORAM : B.P. DHARMADHIKARI &
 MRS. SWAPNA JOSHI, JJ.**

DATED : 2nd March, 2017.

1. A degree course styled 'Bachelor of Para-medical Technology' (BPMT) has been initiated by the respondent no. 1-State and respondent no.2-Health University. The first batch of students of that course graduated in April/May 2013. The petitioner before this Court is one such Bachelor. His grievance is that he is not getting admission to any post-graduate course as University Grants Commission (UGC) has not given approval to the course conducted by respondent nos.1 and 2.

2. Adv.Agrawal appearing for respondent no.3-UGC relies upon reply-affidavit. He submits that had the course been of four years duration, the syllabus could have been looked into for grant of approval. Here, as the course is only of three years, approval cannot be granted.

3. Learned A.G.P appearing for respondent no.1 is seeking

time to file reply.

4. Adv. Kilor for petitioner submits that in other States identical course is of four years duration and if one year of internship is added to existing three years course, the course can be granted approval by respondent no.3-UGC. He submits that it is respondent no.2-Health University which has accepted the syllabus only of three years.

5. Adv. Deshpande appearing for respondent no.2-Health University states that course is recommended by respondent no.1 and syllabus is also proposed by it. As per that syllabus, the total spread of course needs to be of three years and respondent no.2-University has accordingly accepted it. He points out that respondent no.2 has accordingly sought approval from respondent no.3-UGC and has also written to State Government.

6. We do not wish to go into any controversy. The petitioner has taken admission to a course which was of three years and has completed it. Now he wants that course to be made of four years. This obviously is a policy decision which needs to be taken by respondent nos. 2 and 3 together. If respondent no.1 has proposed only three years course and respondent no.2 has accepted it, no fault can be found with respondent no.2. If after recommendation of respondent no.1 syllabus of three years spread is prescribed by respondent no.1, again, we cannot find fault with any of the respondents. The petitioner also has with open eyes has taken admission to that course.

7. However considering the fact that in other States course of four years duration and the UGC is unable to grant approval to it as it is only three years, we direct the respondent no.1 to look into the grievance of petitioner within a period of six weeks from the date of communication of order to it.

8. The petitioner is permitted to make a representation containing necessary details pointing out course duration and syllabus in other States and seeking similar treatment in the State of Maharashtra also. If such a representation is made within two weeks from today, the same shall be decided within next six weeks. The respondent no.1 or respondent nos.1 and 2 together, may take appropriate further decision. If necessary, opportunity of hearing shall be extended to petitioner and the institutions which are conducting said degree course.

9. With these directions and keeping all rival contentions open, we dispose of Writ petition. No costs. Needless to mention that party aggrieved can thereafter approach the Court of law.

JUDGE

JUDGE

sahare