

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.2215 of 2018

Chhatrapati Shivaji Institute of Pharmacy, Address Shivaji Nagar, Kolihapuri, Post Pisegaon, District Durg (C.G.)
(Owned & Managed by Shivnath Shikshan and Seva Samiti, Registration No. 5054),

Through its Authorized Officer, Registrar In-Charge, Rajesh Kumar Verma, Aged about 53 years, S/o Late Shri Yashwant Verma, C/o Chhatrapati Shivaji Institute of Pharmacy, Address Shivaji Nagar, Kolihapuri, Post Pisegaon, District Durg (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Technical Education, Manpower Employment, Science & Technology Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur 492002 (C.G.)
2. All India Council for Technical Education, Through its Chairman, 7th Floor, Chandralok Building, Janpath, New Delhi 11001
3. Regional Officer, All India Council for Technical Education, Central Regional Office, Tagore Hostel No.2, Shamlia Hills, Bhopal 462002 (M.P.)
4. Chhattisgarh Swami Vivekanand Technical University, Through its Registrar, North Park Avenue, Sector 8, Bhilai, District Durg (C.G.) 490009

---- Respondents

For Petitioner: Mr. Satish Chandra Verma, Advocate.

For Respondent No.1/State: -

Mr. R.N. Pusty, Govt. Advocate.

For Respondents No.2 and 3: -

Mr. Sandeep Dubey, Advocate.

For Respondent No.4: Mr. Rajeev Shrivastava and Mr. Malay Shrivastava, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/08/2018

1. This writ petition is directed against the orders dated 4-4-2018 and 18-4-2018 passed by the All India Council for Technical Education (AICTE), whereby the petitioner's application for granting approval in respect of new Pharmacy College has been rejected.

2. Mr. Satish Chandra Verma, learned counsel appearing for the petitioner, would submit that the order dated 18-4-2018 is unsustainable and bad in law, as it has been rejected only on the ground that no second Pharmacy institute is allowed in a district where already one Pharmacy institute exists. He would rely upon the decision of this Court in W.P.(C)No.1181/2018 (J.K. Institute of Pharmaceutical Education and Research v. State of Chhattisgarh and others), decided on 27-4-2018 which has been affirmed by the Division Bench of this Court and the SLP against which has also been dismissed. He would further rely upon a decision of the Supreme Court in the matter of Shree Shree Vidya Sagar Ji Maharaj Education Trust and another v. All India Council for Technical Education and another¹ and would submit that the time limit granted by the Supreme Court for admission has already expired, therefore, the petitioner Institute will not admit any student in this year. So far as the order dated 4-4-2018 is concerned, he submits that the petitioner had already rectified the defects.
3. Mr. Sandeep Dubey, learned counsel appearing for the AICTE – respondents No.2 and 3, would submit that the time limit as indicated by the Supreme Court in the matter of Parshvanath Charitable Trust and others v. All India Council for Technical Education and others² has already expired, therefore, the petitioner is not entitled to admit students.
4. Mr. Dubey would further submit that there are other deficiencies pointed out in the memo dated 4-4-2018, to which Mr. Verma submits that the deficiencies have been rectified.
5. I have heard learned counsel for the parties and went through the

1 W.P.(C)No.532/2018, decided on 13-7-2018

2 (2013) 3 SCC 385

record with utmost circumspection.

6. It is correct to say that the decision of the AICTE declining approval on the basis that no second Pharmacy institute is allowed in a district where already a Pharmacy institute exists, is held to be arbitrary by this Court which has been approved by the Division Bench of this Court and the Supreme Court as well by dismissing the SLP against that order. Even in Shree Shree Vidya Sagar Ji Maharaj Education Trust (supra), it has been held to be arbitrary by the Supreme Court. In any case, the Supreme Court in Parshvanath Charitable Trust (supra) has already held that if permission is granted to a college after 30th April of the academic year, the admission authority cannot include such college for such academic session. In that view of the matter, even the decision on merits would be an academic one and as such, no fruitful purpose would be served by issuing any direction. However, the petitioner can always request on the basis of same facilities in the academic session 2019-2020 and if the facilities provided by it are in accordance with the norms of the AICTE, the AICTE will be bound to consider the same while considering the petitioner's proposed college.
7. The writ petition is accordingly disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge