

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

WRIT PETITION NO. 7064 OF 2018

Shiva Trust's
Shivajirao Pawar College of Pharmacy
At Pachegaon, Tq. Newasa, District Ahmednagar
Through its President
Dr. Balasaheb Shivajirao Pawar
Age 50 years, Occ. Medical practitioner
R/o. Pachegaon, Tq. Newasa,
District Ahmednagar

... Petitioner

Versus

1. The State of Maharashtra
Through the Secretary for
High and Technical Education
Department, Mantralaya,
Mumbai
 2. The Director of Technical Education
Maharashtra State,
3, Mahapalika Marg, Mumbai.
 3. The Commissioner & Competent Authority,
State Common Entrance Test Cell,
Government of Maharashtra,
Mumbai.
 4. Dr. Babasaheb Ambedkar Technological
University
At Lonera, Tq. and District Raigad
Through its Registrar
- ... Respondents

Mr. V.D.Hon, Senior Advocate I/b Mr.A.V. Hon, Advocate
for the petitioner

Mr. A.S. Shinde, AGP for respondent/State

Mr. M.D. Narwadkar, Advocate for respondent .3

Mr. A.R. Borulkar, Advocate for respondent No.4

**CORAM : PRASANNA B. VARALE
& S.M.GAVHANE, JJ.**

DATED : 05.07.2018

P.C. :-

Heard Mr.V.D. Hon, learned Senior counsel, instructed by Mr.A.V. Hon, learned counsel appearing for the petitioner, Mr.A.S.Shinde, learned AGP appearing for the respondent No.1/State.

2. The petitioner/institute is before this court with prayers "B" and "C".

"B) Issue a writ of mandamus or writ in the nature of mandamus to the respondents No.4 Dr. Babasaheb Ambedkar Technological University to forthwith consider the proposal of the petitioner for grant of affiliation from the academic year 2018-19 and the communicate the said decision to the petitioner and the competent authority at the earliest.

C) Issue a writ of mandamus or writ in the nature of mandamus to the respondent No.2 & 3 competent authority to allot the students for the first academic year in accordance with the Centralized Admission process to the petitioner pharmacy college at Pachegaon and accordingly carry out the admission process for the academic year 2018-19."

3. Mr. Hon, learned senior counsel appearing on behalf of the petitioner has invited our attention to the order passed by this Court in Writ Petition No.6259 of 2017, 7706 of 2017 and 8936 of 2017. Mr.Hon, learned senior counsel submits that the petitioner/institute stands on a similar footing with institute in the above referred petition. The only difference, except the fact that in Writ Petition No.7706 of 2017, the petitioner institute was desirous of admitting the students for

courses of Architecture, whereas in the present petition, the petitioner institute is desirous of admitting the students in Pharmacy course.

4. As the issue involved in the present petition is dealt with in detail in Writ Petition No.6259 of 2017 and 7706 of 2017, it may not be necessary for us to refer to the other details. The document placed on record today by the petitioner i.e. communication dated 29.06.2018 (marked "Y" for identification) also reiterate the fact that the directions of this Court in Writ Petition No.7706 of 2017 are accepted by respondent No. 4 University and respondent No.4 University granted temporary affiliation to the institutes enlisted in annexure to the communication dated 29.06.2018. In this fact situation, we see no reason to take any different view than the view taken by this Court in Writ Petition No.6259 of 2017 and 7706 of 2017 and ultimately in the Writ Petition No.8936 of 2017. Resultantly, we allow the petition in terms of prayer clauses "B" and "C".

5. Mr.V.D.Hon, learned senior counsel appearing for the petitioner fairly submitted that the petitioner would undergo an exercise as permitted by the Division Bench in Writ Petition No. 7706 of 2017. He submitted that the petitioner institute had already deposited the fees as directed by the respondent No.4 University. The document to that effect placed on record and petitioner institute would undergo the exercise as per clause "D" and "E" of the order passed by the Division Bench dated

06.06.2017 in Writ Petition No.6259 of 2017. We accordingly dispose of the petition.

6. The learned AGP appearing for the respondent Nos.1 and 2 as well as learned counsel appearing for the respondent No.3 submit that Mr. Govind Renukadasrao Sangwai, OSD, Office of Joint Director of Technical Education, Aurangabad is present in this Court, and on instructions, submit that the authorities i.e. respondent Nos.2 and 3, would take appropriate steps in compliance of the order of this Court.

6. Parties to act upon authenticated copy of this order.

[S.M.GAVHANE,J.]

[PRASANNA B. VARALE,J.]