

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

WRIT PETITION NO. 7397 OF 2018

SHRIKRISHNA EDUCATIONAL AND CULTURAL MANDALS COLLEGE OF
AGRICULTURE JALGAON THROUG
VERSUS
THE COUNCIL OF ARCHITECTS THROUGHT IS REGISTRAR AND
OTHERS

Mr. V.B. Patil, Advocate for the petitioner.
Mr. R.B. Bagul, AGP for respondent/State.
Mr. S.B. Deshpande, ASG for respondent No.1.
Mr. Y.B. Bolkar, Advocate h/f Mr. A.B. Girase, Advocate
for respondent No.4.

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

DATED : 01.08.2018

P.C. :-

Heard for quite sometime. The petitioner-institute before this Court is seeking directions to respondent No.1 The Council of Architects to declare that the extension approval is granted in favour of the petitioner by retaining the intake capacity for the Bachelor Degree of Architecture course from the academic year 2018-19.

2. It was the submission of learned counsel for the petitioner that the petitioner-institute was granted intake capacity of 40 students initially and the petitioner-institute submitted proposal for extension of approval. Meantime the petitioner-institute was informed that the intake capacity of the petitioner-institute is reduced to 20 students from 40 students. It was the submission of learned counsel that the petitioner-institute is complying of the requisite criteria, as

such the respondent college be permitted to grant approval for extension for retaining its earlier intake capacity of 40 students.

3. The petition was opposed by the respondent Nos. 1 and 4 University. It was brought to our notice that there are serious lacunas in the availability of the teaching staff with the petitioner-institute. It is also brought to our notice the sanctioned teaching staff and the petitioner-institute is lacking by nearly 75% of the teaching staff. It was also brought to our notice that the petitioner-institute was expected to appoint full time Principal but till date except submitting representations and seeking permission to advertise in the newspaper for the post of Principal, no fruitful outcome is achieved by the petitioner-institute. Thus, it is submitted that with this inadequate teaching staff the petitioner-institute cannot be permitted to run the institute and retain earlier capacity of 40 students.

4. In view of these facts, we are not inclined to entertain the petitioner. The learned counsel for the petitioner then submits before us that if the petitioner approaches the respondent authorities, namely, respondent Nos.1 and 4 with an application or proposal to consider its case for extension of approval and retainment of the initial intake capacity of 40 students, such application/proposal be considered on its own merits. The learned counsel for the petitioner submits the petitioner-institute is taking all possible efforts to remove the deficiencies. As such the intention of the petitioner that the earlier factual

situation may not come in way of the petitioner-institute while considering the proposal afresh by respondent Nos.1 and 4.

5. Resultantly we are dismissing the petition with only liberty to the petitioner to submit a fresh proposal or application to respondent Nos.1 and 4 for extension of approval and retainment of the intake capacity. Needless to state that if such application/proposal is received by the respondent authorities, the authorities to consider the proposal/representation on its own merits. We further make it clear that if the proposal/application is considered positively by the respondent authorities, the petitioner-institute would be permitted only to admit students for the academic year 2019-20.

6. The petition is disposed of with above directions.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]