

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

925 WRIT PETITION NO.4679 OF 2019

WITH

WRIT PETITION NO.4690 OF 2019

WITH

WRIT PETITION NO.4715 OF 2019

LATE HARIBAI WARPUDKAR GRAMIN MAHILA SEVABHAVI
SANSTHA THROUGH PRESIDENT AND ANR. ..PETITIONERS

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION AND
OTHERS ..RESPONDENTS

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Mr. Mahesh S. Deshmukh, Advocate for the
Petitioners in all Writ Petitions.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. S. V. Adwant, Advocate for Respondent Nos.1 to
4.

Mr. Santosh S. Jadhavar, Advocate for Respondent
No.7.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Deshmukh, learned counsel for petitioners submits that petitioners in writ petition nos.4715 of 2019 and 4690 of 2019 are running B.Pharmacy and D.Pharmacy courses in one premises and when both the courses are run in one premises, one qualified Principal is sufficient as per the norms. In writ petition no.4679 of 2019, the petitioners are running D.Pharmacy course. The learned counsel submits that the Pharmacy Council of India has granted extension of approval for the current year with intake capacity of 60 students in

each matter. The learned counsel submits that the petitioners have produced before the SAC all the documents showing that petitioners have complied with all the deficiencies. The faculty members are available as per the requirement detailed in the approval process handbook. The Principal is also qualified possessing Ph.D. qualification. The documents to that effect were also produced, however, SAC has not considered the same. The learned counsel further submits that for the new institutions the AICTE has permitted them to run course with deficiencies and gave them one year time to comply with the deficiencies. The respondents are discriminating. No deficiency exists as far as petitioners are concerned.

2. Mr. Adwant, learned counsel for AICTE submits that in the present cases, the EVC has conducted the inspection. The SHC has also considered the case of the petitioner, so also the SAC. All three have consistently noticed that the deficiencies exist. The learned counsel submits that following are the deficiencies existing in each matter:

Writ Petition No.4679/2019

- i. Laboratory Deficiency
- ii. Reading Room
- iii. Toilets
- iv. Cafeteria
- v. Boys & Girls Common Room
- vi. Computation Deficiency + Library Facilities
- vii. Barrier free environment
- viii. Stock register of laboratory equipment, stock

register and office equipment

ix. Deficiencies relating to infrastructure

x. Deficiencies regarding to Principal.

Writ Petition No.4690/2019

i. Total area in acres + land conversion certificate

ii. Instructional area

iii. Laboratory Deficiency

iv. Reading Room

v. Toilets

vi. Cafeteria

vii. Boys & Girls Common Room

viii. Computation Deficiency + circulation deficiency + Library facilities and other facilities + Sewage Disposal System + Principal

ix. Occupancy Certificate + Building Plan Approval

x. Deficiencies relating to Infrastructure

xi. Deficiencies regarding to Principal

Writ Petition No.4715/2019

i. Total area in acres + land conversion certificate

ii. Instructional area

iii. Laboratory Deficiency

iv. Reading Room

v. Toilets

vi. Cafeteria

vii. Boys & Girls Common Room

viii. Amenities Area + Computation Area Deficiency + Circulation Area Deficiency + Library Facilities and other facilities + Sewage Disposal System + Principal

ix. Occupancy Certificate + Building Plan Approval

x. Deficiencies relating to Infrastructure

xi. Deficiencies regarding to Principal

3. In fact SHC and SAC consist of experts and they are better equipped to deal with the requirements and the deficiencies existing, if any. According to petitioners, petitioners have appointed a qualified Principal possessing necessary educational qualification as required

under the Statute and that necessary documents were also produced. In writ petitions certainly we would not sit as an appellate authority over the recommendation of the SAC. However, considering the fact that the petitioners contend to have removed all the deficiencies and documents were also submitted before the SAC, we grant one more opportunity to petitioners to submit all the documents demonstrating that they have removed deficiencies as is pointed out. The SAC and the AICTE shall consider the documents placed by the petitioners, so also the circular dated 07.06.2019 relied by petitioners and thereafter, take decision afresh.

4. The SAC shall forward its recommendation to the AICTE within a period of three days after petitioners submit all the necessary documents showing their case of removal of deficiencies which certainly would be considered by the SAC on its own merits and forwarded its recommendation. The AICTE within three days of the receipt of the recommendation from the SAC shall take decision afresh in case of petitioners.

5. Writ Petitions are disposed of. No costs.

6. Parties to act upon the authenticate copy.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE