

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

1042 WRIT PETITION NO.5335 OF 2019

MAULANA AZAD EDUCATION TRUST ROUZA BAUGH
THROUGH ITS CHAIRMAN DR FATEMA RAFIQ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. R.N.Dhorde (Senior Counsel) i/b Mr. V.R.Dhorde,
Advocate for Petitioner.

Mr. V.M.Kagne, AGP for Respondents-State.

Mr. S.V.Adwant, Advocate for Respondent No.4-AICTE.

Mr. Deshpande, ASG for Pharmacy Council of India.

...

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

DATE : 19.07.2019

PER COURT :-

1. The petitioner is placed in 'No Admission Category' for the academic year 2019-2020 for Bachelor of Pharmacy and Master of Pharmacy Course.

2. We have heard Mr. Dhorde, the learned senior counsel for the petitioner, Mr. Adwant, the learned counsel for the AICTE and Mr. Deshpande, the learned ASG for Pharmacy Council of India.

3. Mr. Dhorde, the learned senior counsel submits that for the academic year 2019-2020, the AICTE had considered

the case of the petitioner and had observed that there is 0 deficiency. However, the petitioner is placed in 'No Admission Category' only because of the order passed by this Court in Writ Petition No.9904 of 2011, dated 23.02.2018. The petitioner was directed to pay the arrears as per 6th pay commission to the teaching and non-teaching staff with effect from 01.01.2006 within a period of six months failing which the AICTE and the University was directed to withdraw the recognition and the approval of the petitioner. The petitioner defaulted in making the payment as directed by this Court in Writ Petition No.9904 of 2011 under order dated 23.02.2018. The petitioner had filed Civil Application No.8302 of 2019 in Writ Petition No.9904 of 2011 for modification of the order. This Court under order dated 18.07.2019 allowed the petitioner to make the payment of the arrears of salary as per 6th pay commission and as directed by the Court in Writ Petition No.9904 of 2011 under order dated 23.02.2018 by 19.04.2020 in view of the settlement between the parties.

4. In light of the above, the position that emerges is that the petitioner-institution is granted time by this Court to pay the arrears of salary as per 6th pay commission to the

members of his teaching and non-teaching staff by 19.04.2020.

5. One of the ground for placing the petitioner in 'No Admission Category' was the non-observance to the order of this Court in making payment with employees as per 6th pay commission. The time to comply the said order is extended by this Court up to 19.04.2020. The petitioner possesses 0 (zero) deficiency for academic year 2019-2020 as contended.

6. In light of the above, the AICTE shall take decision with regard to the extension of approval for the year 2019-20 by 22.07.2019. It shall take into consideration the order of this Court dated 18.07.2019 extending the period to make payment as per 6th pay commission to the employees till 19.04.2020. The petitioner may represent itself before the AICTE on 22.07.2019.

7. The Writ Petition is disposed of. No costs.

8. Authenticate copy be given.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

...

vmk/-