

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

WRIT PETITION NO. 5732 OF 2019

Sanjay Education Society's Institute
of Pharmacy, Balapur.

... **Petitioner.**

VERSUS

The State of Maharashtra and
others.

... **Respondents.**

...

Mr. S.P. Brahme, Advocate for the petitioner.

Mr. V.M. Kagne, A.G.P. for the respondents No. 1, 2 and 5.

Mr. S.V. Adwant, Advocate for respondent No. 3.

Mr. S.B. Deshpande, A.S.G. for respondent No. 4.

Mr. S.G. Karlekar, Advocate for respondent No. 6.

...

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

DATE : 08/07/2019

PER COURT :

1. The petitioner assails the order passed by A.I.C.T.E. placing the petitioner in 'no admission category'.

2. The learned counsel submits that the petitioner has been granted extension of approval by the Pharmacy Council of India for the year 2019-2020. The respondent No. 3-A.I.C.T.E. has placed the petitioner in "no admission category". The basis for placing the

petitioner in 'no admission category' is that the building permission is not granted by the competent authority. The learned counsel submits that the College of the petitioner is situated in rural area i.e. in a village and the Grampanchayat is competent to grant the construction permission. The same is granted by the Grampanchayat on 29.12.2006. The completion certificate is also granted by the Grampanchayat on 05.04.2016. The learned counsel submits that other deficiencies also do not exist and same stand removed. The respondent No. 3-A.I.C.T.E. has not considered the construction permission granted by the village panchayat.

3. Mr. Adwant, the learned counsel for respondent No. 3-A.I.C.T.E. submits that deficiencies exist. The petitioner was granted ample opportunity to comply with the deficiencies. The Standing Appellate Committee noticed deficiencies on 15.11.2018 and the S.A.C. had taken up the hearing on 29.01.2019. These deficiencies still exist. As per the approval process hand book, unless and until all the deficiencies are complied with, the respondent- A.I.C.T.E. cannot allow the petitioner to admit the students. The petitioner has to comply with the requirements as laid down in the approval process hand book scrupulously.

4. The S.A.C., it appears has noted the following deficiencies.

- "- Library Facilities deficiencies exists.
- Building plans of Laboratory, Seminar Hall, Tutorial rooms + amenities area + administrative area + instructional area + other facilities are not approved by competent authority, hence not accepted- Deficiencies still exists.
- Deficiencies in the following area as stated on self disclosure (as on page 39) still exists- Standalone language Laboratory + Institution-Industry Cell + Insurance of students + Implementation of security measures + Internet bandwidth."

5. The petitioner has placed on record a document showing that the Sarpanch of Grampanchayat has granted no objection for construction as per the plan. The same is dated 29.12.2006. The petitioner has placed the completion certificate issued by the Grampanchayat, Balapur, dated 05.04.2016.

6. If the construction is in the village, then at the relevant time as per the provisions of Maharashtra Village Panchayat Act, the Grampanchayat is competent authority to grant the permission. The question would be about the legitimacy of the permission and the

construction as per the plan.

7. The completion certificate as is placed on record by the petitioner is dated 05.04.2016 and the no objection certificate is dated 29.12.2006. It is the authority to decide whether the construction is as per the plan and it is for the A.I.C.T.E. to be satisfied about the construction permission accorded to the petitioner. We can only observe that in the year 2006 as per the provision then existing, in a village, within the limits of Grampanchayat, Grampanchayat was competent authority to grant construction permission.

8. The documents as are sought to be placed on record with regard to the aforesaid deficiencies were not placed by the petitioner before the S.A.C., the S.A.C. as such did not have the occasion to consider the documents relied by the petitioner.

9. Considering the above, it will be for the A.I.C.T.E. to consider the compliance of the deficiencies and the extent of compliance so as to arrive at a conclusion.

10. In the result, we grant one more opportunity to the petitioner to present itself before the S.A.C. with all the documents, relied by the petitioner. The S.A.C. within three days of the petitioner submitting all the documents before it shall forward its recommendations to the

A.I.C.T.E. The A.I.C.T.E. shall within three days thereafter take decision afresh with regard to the case of the petitioner.

11. Writ petition is disposed of. No costs.
12. Authenticated copy be supplied.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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