

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5825 OF 2019

JANKALYAN VIKAS MANDAL,
THROUGH ITS PRESIDENT
NARAYAN KALBA GAIKWAD

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
AND OTHERS

...

Advocate for Petitioner : Mr. Deshmukh Sachin S

Advocate for Respondents No. 1 & 2 :

Mr. S. V. Adwant

AGP for Respondents No. 3 & 4 : Mr. S. G. Karlekar

Advocate for Respondent No. 5 : Mr. S. S. Jadhavar

ASG for Respondent No. 6 :

Mr. S. B. Deshpande

...

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

DATE: 03rd JULY, 2019

PER COURT:

1. The intake capacity of the petitioner's B.Pharmacy college has been reduced from 60 to 45, the same is assailed.

2. Mr. Deshmukh, learned counsel for the petitioner submits that the petitioner has appointed the qualified Principal on 20.10.2018.

According to the learned counsel, the said documents were produced before the standing hearing committee, so also, the standing appellate committee. The same is not considered. The said Principal Dr. Ghule Rushikesh Shantaram is a qualified Principal for B.Pharmacy.

3. Mr. Adwant, the learned counsel submits that the hearing before the standing hearing committee was scheduled on 24.10.2018. The petitioner could have produced the said document before the standing hearing committee. Subsequently, the petitioner appeared before the standing appellate committee. Before it also the said document was not produced. The letter dated 30.11.2018 given by the petitioner to AICTE suggest that the regular Principal is appointed as per AICTE schemes on 30.10.2018. The learned counsel submits that no error has been committed by the AICTE.

4. The order observed that the standing appellate committee suggest that the Principal

appointed by the petitioner is not qualified for B. Pharmacy programme and is qualified for D. Pharmacy programme. The authority will have to verify the qualification of the Principal appointed. In the present case, the intake capacity of the petitioner has been reduced from 60 to 45.

5. In the present case, there are no documents to conclude about the qualification of the person appointed as Principal *vis a vis* D.Pharmacy course. It would be for the experts to consider the said aspect.

6. The petitioner may approach the standing appellate committee and may produce the documents such as appointment letter, the documents of the qualification of said person. The standing appellate committee shall after considering the documents produced by the petitioner give its recommendations to the AICTE within a period of three (03) days from the submission of documents

by the petitioner. The AICTE shall take decision with regard to the intake capacity of the petitioner within a period of five (05) days thereafter.

7. Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

marathe