

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

915 WRIT PETITION NO.6545 OF 2019

JALNA EDUCATION SOCIETY JALNA THROUGH ITS CHAIRMAN
AND ANOTHER ..PETITIONERS

VERSUS

ALL INAIA COUNCIL FOR TECHNICAL EDUCATION AND
OTHERS ..RESPONDENTS

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Mr. P. M. Shah, Senior Advocate I/b Mr. R. R. Chandak, Advocate for the Petitioners.

Mr. K. N. Lokhande, AGP for Respondents-State.

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

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

Mr. S. B. Deshpande, ASG for Respondent No.8.

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

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Shah, learned senior counsel for petitioners submits that petitioners are running the D.Pharm Course since 1986 with an intake capacity of 60 students. Every year petitioners were granted intake capacity of 60 students. The Pharmacy Council of India has granted extension of approval till the year 2019, 2020 and 2021 for 60 students. The learned counsel submits that the

deficiencies as are pointed out in the observations of the Standing Appellate Committee does not exist. The building of petitioners is within the area of Grampanchayat. The Grampanchayat is competent authority to grant the construction permission and the occupancy certificate. The learned counsel submits that the barrier free environment has also been completed. No deficiency exists. According to the learned counsel the laboratory area has been accepted by the SAC. The computer center according to the SAC has less area. The said deficiency is also complied with. As on date no deficiency exists.

2. According to Mr. Adwant, learned counsel for AICTE following deficiencies exist:

- i. Deficiency in instructional area – laboratory + computer centre and Seminar hall + library and reading room.
- ii. Deficiency in Administrative area – Principal/Directors office.
- iii. Deficiency in Amenities area; Deficiency in library facilities; Deficiency in Barrier Free Environment;
- iv. Deficiency in Stand Along Language Laboratory; Deficiency in CCTV Installation at Prominent location; Deficiency in Implementation of Unnat Bharat Abhiyan; Deficiency in payment to faculty members as per 6th Pay Commission.

3. Mr. Adwant, learned counsel for AICTE submits that the inspection was conducted of the petitioners-Institution. The EVC submitted the report and pointed out various deficiencies. The petitioner was given opportunity to comply with the deficiencies. Even before the SAC large scale deficiencies existed. The deficiencies are in respect of essential requirements that the petitioner has failed to comply. The AICTE has rightly taken a decision to place the petitioner-Institution in no admission category for the Academic Year 2019-2020.

4. Mr. Shah, learned senior counsel relies on the circular issued by AICTE dated 07.06.2019 to contend that for Academic Year 2019-2020 the AICTE has permitted new institution to function with deficiencies and gave them one years time to comply with the deficiencies.

5. According to Mr. Adwant, the learned counsel the same was because of the unprecedented situation. With the leave of the Apex Court the date for issuance of the letter of approval was extended up to 10.06.2019 and considering the large number of applications, the decision was taken. The petitioners are existing institutions where they are aware of the requirements as per the approval process handbook and were required to comply with the same. They cannot run the institution with deficiencies for years together.

6. The petitioners have tried to demonstrate that petitioners have constructed the barrier free environment and have complied with all the deficiencies. If the building is situated in a village within the limits of the Grampanchayat, then certainly Grampanchayat is competent authority to issue the construction permission and so also completion certificate. The petitioners claimed to have complied with all the other requirements. The SAC consist of experts members and they are better qualified to deal with the requirements and the deficiencies as pointed out. This Court would not sit over the decision of the SAC as an appellate authority.

7. As it is contended by petitioners that they have erected the barrier free environment and that no deficiency exists, we would afford one more opportunity to the petitioner to approach before the SAC.

8. The petitioners may place all the documents before the SAC and about the compliance of the deficiencies and SAC shall within a period of three days give its recommendation to the AICTE. The AICTE shall within three days thereafter take final decision with regard to the case of the petitioner.

9. The AICTE may consider the circular issued by it dated 07.06.2019 and also recommendations of the SAC on its own merits.

10. Writ Petition is disposed of. No costs.

11. Parties to act upon the authenticate copy.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-19