

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

914 WRIT PETITION NO.6668 OF 2019

KHANDESH EDUCATION SOCIETY AMALNER THROUGH
ITS SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. A.N.Kakade, Advocate for Petitioners.
Mr. A.R.Kale, AGP for Respondents-State.
Mr. S.V.Adwant, Advocate for Respondent No.3.
Mr. S.B.Deshpande, Advocate for Respondent No.4.
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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 2nd July, 2019

PER COURT :-

1. The petitioners are running Diploma in Pharmacy Course since the year 2003 with intake capacity of 60 students. The Expert Visit Committee (EVC) has pointed out certain deficiencies, hearing took place before the Standing Hearing Committee (SHC) and thereafter before the Standing Appellate Committee (SAC) the deficiencies according to both the committees persisted.

2. Mr. Kakade, the learned counsel for the petitioners submits that the petitioners could not produce some of the

documents before the SAC on 18.04.2019 at AICTE head quarters because many of the officers were on Election duty of Loksabha. It is further submitted by the learned counsel that on 13.05.2019 the petitioners could not get the report and on the said date came to know that the existing Diploma Course has been placed in 'No Admission Category'. The learned counsel submits that the petitioners are not insisting for the letter of approval in respect of under graduate course in pharmacy. However, it may be permitted to run and admit the students for Diploma in Pharmacy course which is running since 2003. The learned counsel, in alternative submits that an opportunity ought to have been given to place all the documents before the Standing Hearing Committee or Standing Appellate Committee.

3. Mr. Adwant, the learned counsel for AICTE submits that the procedure has been followed thread bare by the AICTE. The EVC is conducted, the report of EVC is given to the petitioners. The petitioners were given an opportunity to appear before the SHC. SHC reported the deficiencies. Thereafter the petitioners appeared before the SAC. Before the SAC also no additional documents were submitted and a conscious decision has been taken of placing the petitioners

in 'No Admission Category'.

4. We have considered the submissions. It appears that the petitioners are granted extension of approval by the Pharmacy Council to run the Diploma in Pharmacy course for the year 2019-20. We have gone through the report of SHC and SAC. The same deficiencies are observed by both the committees and the documents and the building plans are not presented before that.

5. It appears that the petitioners have given representation on 14.05.2019 explaining the reasons for not presenting the documents before the SAC.

6. Considering the fact that the petitioners are running Diploma Pharmacy Course from the year 2003 and is granted extension of approval for the year 2019-20 by the Pharmacy Council of India, we grant one more opportunity to the petitioners to present the documents before the Standing Appellate Committee as per the request of the petitioners. The petitioners shall present all the documents before the Standing Appellate Committee and SAC shall consider the documents presented by the petitioners afresh and give its recommendation to the AICTE. AICTE shall take

decision upon the said recommendation of SAC within two days thereafter.

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

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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