

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

967 WRIT PETITION NO.7513 OF 2019

RAMCHANDRA SANSKRUTIK KRIDA MANDAL THROUGH
ITS PRESIDENT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.S.Thombre, Advocate for Petitioners.
Mr. S.B.Yawalkar, AGP for Respondents-State.
Mr. S.G.Karlekar, Advocate for Respondent No.3.
Mr. S.V.Adwant, Advocate for Respondent Nos.4 & 5.
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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 10th July, 2019

PER COURT :-

1. We have heard Mr. Thombre, the learned counsel for the petitioners and Mr. Adwant, the learned counsel for the respondents.

2. According to the petitioners, absolutely no deficiency exists. The petitioners are running the B. Pharmacy Course since the year 2009 with intake capacity of 60 students. Wrongly, on the portal, the intake capacity was shown as 180 students and the EVC and SAC have considered the deficiencies on the touchstone of intake capacity of 180

students. The same is erroneous. The requirement vis-a-vis, the intake of 60 students is to be considered. The learned counsel submits that all the relevant documents were placed on record. However, under the misconception that the petitioners have intake capacity of 180 students the EVC and SAC have considered the deficiencies. The necessary infrastructure and the faculties are available with the petitioners. According to the Respondent – AICTE, the deficiencies exist and the same have been detailed in the recommendation of the SAC.

3. We have considered the submissions. It appears that there is some confusion amongst the parties with regard to the intake capacity of the Petitioner-Institution. It is submitted by the petitioners that every year the petitioners are permitted intake capacity of 60 students but this year, wrongly, it has been considered as 180 students. In such a scenario, the respondent is required to consider the requirement of the faculties and the infrastructure *qua* the intake capacity of 60 students.

4. Considering the aforesaid, we direct the petitioners to submit all the documents before the SAC. The SAC shall, considering the intake capacity of the petitioners as 60

students, process the same and give its recommendation within three days of the petitioners submitting all the documents. The AICTE within three days of the receipt of the recommendation from the SAC take decision in the case of the petitioners.

5. The Writ Petition is disposed of. No costs.
6. Authenticated copy be given.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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