

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

922 WRIT PETITION NO.7860 OF 2019

SMT TAISAHEB KADAM SEVABHAVI FOUNDATION AND
RESEARCH CENTRE SONAI YASH INSTITUTE..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. D. S. Bagul, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

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

Mr. Mrigesh D. Narwadkar, Advocate Respondent No.4.

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

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Bagul, learned counsel for the petitioner submits that the petitioner-Institution is running B.Pharmacy under graduate Course with intake capacity of 60 students since the year 2004. The petitioner was also running P.G. course from 2010-2011. However, in the year 2016-2017, the petitioner requested the Director of Technical Education not to allow students to P.G. course and in the year 2018-2019 the petitioner applied for the closure of the P.G. course. The respondents have approved the closure of the P.G. course.

2. The AICTE for the year 2019-2020 reduced the intake capacity to 54 from 60 students only on the ground that faculty members are less. The learned counsel submits that petitioner-institution possesses requisite faculty as per the student faculty ratio. The respondent has not considered the closure of the P.G. course and has added students of the P.G. for the requisite member of faculties.

3. Mr. Adwant, learned counsel for the AICTE submits that the qualification of the faculty members for U.G. and P.G. course is same, except in PG course one professor / faculty member with Ph.D in relevant discipline is required.

4. Upon perusing the order dated 29.01.2019, it appears that, in the recommendation of the Standing Appellate Committee, the SAC observed that Institution has not applied for the closure of the P.G. courses. No satisfactory explanation was offered during the hearing and therefore SAC recommended 10% deduction of the annual intake capacity. In fact, the closure of the P.G. courses is permitted and the order to that effect is on record. It also appears that the AICTE under order dated 29.04.2019 allowed the petitioner intake capacity of 60 students, however, subsequently, under impugned order reduced it to 54.

5. The petitioner has in all 18 faculty members which as per the approval process handbook is sufficient for 60 students of B.Pharmacy under graduate course and the 24 required were considering the two P.G. courses also. As the P.G. courses are closed down, the petitioner, as such, it appears possesses the necessary faculty.

6. In light of the above, the impugned order is set aside.

7. Writ Petition accordingly allowed. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE