

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

157 WRIT PETITION NO.9090 OF 2019

**JAMIA ISLAMIA ISHAATUL ULOOM AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioners : Mr. Bolkar Yogesh B
AGP for Respondent No.3: Mr. V.M. Kagne
Advocate for Respondent No.1 : Mr. Deshpande Sanjeev B.
Advocate for Respondent No.2 :Mr. Sharma Alok M.

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

DATE : 29/07/2019

PER COURT :

1. The petitioner is denied permission to admit students for the academic year 2019-20 on the ground that two deficiencies exists, as detailed in the impugned order. Mr. Bolkar, the learned counsel submits that both the deficiencies do not exist. The photographs are annexed which shows the quality testing laboratory is available. The learned counsel submits that even the tracking attendance of teaching, hospital and non-teaching staff is available. The learned counsel submits that the report of the inspection team also suggest the same.

However, that is not considered.

2. Mr. Deshpande, the learned ASG submits that the report specifically mention about the deficiencies as reflected in the order impugned in the present petition. In view of the deficiencies existing, no error has been committed by the respondent No. 1.

3. It is upon the satisfaction of the respondent No.1 the permission can be granted to the petitioner for the current academic year. This Court would not sit in appeal over the decision taken by the respondent No.1 unless on the face of it error appears.

4. It is for the authorities to satisfy themselves with regard to the deficiencies pointed out in the order and its compliance.

5. Considering the submissions of the learned counsel for the petitioner, we allow the petitioner to approach the respondent No. 1 once again. The respondent No.1 shall consider the documents that may be submitted by the petitioner and take decision about the grant of permission on its own merits. The petitioner may appear before the respondent No.1 on 31.07.2019 and may produce additional document on which the petitioner relies. The respondent shall thereafter take decision upon it, if possible on the same day. While taking the decision impugned order would not be impediment. Writ petition is

accordingly disposed of.

6. Authenticate copy be supplied to the parties.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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