

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 WRIT PETITION NO.11124 OF 2019

SHIVA TRUST'S YASHWANTRAO CHAVAN
AYURVEDIC MEDICAL COLLEGE
AND HOSPITAL THROUGH ITS PRINCIPAL ...PETITIONER

VERSUS

THE UNION OF INDIA AND OTHERS ...RESPONDENTS

Mr. V.D. Hon, Senior Advocate along with
Mr. C.A. Jadhav and Mr. A.V. Hon, Advocate for Petitioner
Mr. S.B. Deshpande, ASG for Respondent Nos. 1
Mr. Alok Sharma, Advocate for Respondent No.2
Mr. S.B. Pulkundwar, AGP for Respondent No. 3

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 26th SEPTEMBER, 2019

ORAL ORDER:

1. The petitioner challenges the order placing it in no admission category for the academic year 2019-2020.
2. We have heard Mr. Hon, the learned Senior Counsel for Petitioner, Mr. Deshpande, the learned Assistant Solicitor General for Respondent No.1 and Mr. Alok Sharma, Advocate for Respondent No.2.
3. The petitioner institution has commenced functioning from

the year 2015. Every year, the petitioner institution was granted conditional permissions purportedly on account of deficiencies.

4. According to the petitioner, the deficiencies were not shown in the last year.

5. It is trite that in writ jurisdiction, this Court would not sit as an Appellate Authority over the decision of the authority, however, will consider the decision making process. The petitioner is issued with the notice. The petitioner has filed reply. There are some disputed questions with regard to the experience of the persons appointed by the petitioner and same is not considered by the respondents. So also, with regard to the infrastructural facilities.

6. It is submitted that even if there are some infrastructural deficiencies, the respondents could consider the same for granting permission with the reduced intake capacity. However, the same does not appear to have been considered.

7. From the order, it appears that the authority has passed order in mechanical manner. It may have considered the reply filed by the petitioner. However, the order does not depict the consideration of each of the averments made by the petitioner in the say. We may not expect of the administrative authority to pass detailed order as that of a judicial officer. However, deficiencies that

were raised by the respondent and answered by the petitioner does not appear to have been considered, at least it should have been reflected in the order.

8. Considering all the aforesaid aspects of the matter, we direct the respondent No. 1 to reconsider the say of the petitioner and pass orders. It may consider whether petitioner is entitled to be granted permission to admit students and if yes whether for intake capacity for 100 students or for reduce capacity. Of course, that would be subject to the satisfaction of the authorities.

9. The petitioner may appear before the respondent No.1 on 27th September, 2019. The decision shall be taken by respondent No. 1 on or before 30th September, 2019.

10. The writ petition is disposed of. No costs.

11. Authenticated copy be given.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

mta