

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

WRIT PETITION NO. 12694 OF 2018

Purva Khandesh Kushta Seva Mandal & Ors. Petitioners

Versus

The Union of India & Ors. Respondents

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Shri. P. R. Katneshwarkar, Advocate for the petitioners

Shri. S. B. Deshpande, ASGI for respondent No.1

Shri. S. M. Ganachari, AGP for respondent/State

Shri. K. C. Sant, Advocate for respondent No. 4

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 12TH FEBRUARY, 2019

ORAL ORDER:

1. Under the order dt. 18.12.2018, the Central Government has denied the permission to the petitioner to admit the students for B.A.M.S. Course for the academic year 2018-19.

2. We have heard the learned counsel for the respective parties.

3. According to the petitioner, as on the date of visit by Central Council of India Medicine (hereinafter referred to as

“CCIM”), deficiencies did not exist and the petitioner has given explanation to the notice received by it to the report and the notice received by it at the time of hearing along with all necessary documents and the same is not considered.

4. According to the respondents, while passing the impugned order the report of CCIM so also the submissions of the petitioners and the documents produced by it were considered and the conscious decision has been taken denying the permission to the petitioner-Institution to admit the students to B.A.M.S. Course for the academic year 2018-19.

5. Upon perusal of the order, it nowhere transpires that the explanation given by the petitioner along with documents filed by him have been consciously considered by the authority. The order is bereft of any reasons *qua* the explanation given by the petitioner and the documents produced by it. In absence thereof, the order cannot be sustained. Six (6) deficiencies were pointed out are referred to in the impugned order, which according to the petitioner, did not exist. The authority was required to consider the explanation given by the petitioner threadbare and to arrive at the conclusion. We are further constrained to pass the order in view of the fact that the petitioner

Institution is granted permission since the year 1989 continuously every year.

6. Considering the fact that, 15th February, 2019 is the last date for admitting the students for the academic year 2018-19, the respondent-authority shall decide the proposal of the petitioner afresh after considering the explanation given by it by 14.02.2019 or latest by 15.02.2019 afternoon.

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

8. Parties to act upon the authenticated copy of this order.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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