

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

WRIT PETITION NO. 1169 OF 2020

Sumantai Institute of Pharmacy
Through its Director

.. Petitioner

Versus

All India Council for Technical
Education and others

.. Respondents

Mr. V. D. Hon, Senior Advocate a/w Mr. Ashwin V. Hon, Advocate for
the Petitioner.

Mr. C. V. Dharurkar, Advocate for Respondent Nos. 1 and 2.

Mr. S. B. Deshpande, A.S.G. for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 27th FEBRUARY, 2020.

PER COURT:-

. The petitioner assails the order dated 06.12.2019 thereby withdrawing the approval granted to the petitioner for the academic year 2020-2021 for non compliance of AICTE norms and shifting the students to other nearby AICTE approved institution. Under order dated 20.01.2020 the protection was granted with regard to the students.

2. Mr. Hon, learned senior counsel for the petitioner submits that the petitioner had security deposit with AICTE worth Rs. 30,00,000/-

(Rupees Thirty Lakh only) i.e. 15,00,000/- (Rupees Fifteen Lakh only) each in the name of Potdar Polytechnic, Malegaon and Potdar Polytechnic Pachora. The said courses were closed. The petitioner was entitled for the refund of the security deposit. The respondents kept the request of the petitioner pending and issued the impugned order withdrawing the approval solely on the ground that the security deposit amount of Rs. 15,00,000/- (Rupees Fifteen Lakh only) is not paid. The learned senior counsel submits that the amount of the petitioner institution in the hands of the AICTE could have been adjusted. The petitioner was under bonafide belief that the respondents would adjust the said security deposit for the present courses. The learned senior counsel on instructions submits that the petitioner would deposit the amount of security deposit as claimed by them within a period of five (05) days from today.

3. Mr. Dharurkar, learned counsel for the AICTE submits that the amount of security deposit required to be deposited by the petitioner was on account of grant of permission to run the diploma in Pharmacy course for the academic year 2019-2020. The amount ought to have been deposited within the time stipulated, still AICTE granted more time to the petitioner, however the petitioner failed to comply the same. The petitioner could not have claimed adjustment of the security

deposit for other courses.

4. Mr. Deshpande, learned A.S.G. appears for respondent No. 3.

5. It is a matter of fact that the petitioner runs various courses. According to the petitioner, it has closed the Polytechnic courses at Malegaon and Pachora. The petitioner has deposit of Rs. 30,00,000/- (Rupees Thirty Lakh only) with the respondent / AICTE. It is also a fact that the petitioner is required to deposit Rs. 15,00,000/- (Rupees Fifteen Lakh only) security money with the AICTE pursuant to the fresh permission granted to the petitioner to run the diploma in Pharmacy course for the academic year 2019-2020. The petitioner failed to deposit the same.

6. We cannot enter into the debate as to whether the petitioner is entitled for the adjustment of the amount of deposit of other courses. The petitioner has shown readiness and willingness to deposit the amount of security deposit of Rs. 15,00,000/- (Rupees Fifteen Lakh only) with 10% penalty within a period of five (05) days from today.

7. The petitioner may be under bonafide belief that the amount of security deposit in the hands of the AICTE of the courses which the petitioner has closed down is required to be adjusted.

8. Considering the above and the fact that the respondent had extended from time to time the period for depositing the security amount, we pass the following order.

9. The impugned order is quashed and set aside on condition that the petitioner deposits security amount of Rs. 15,00,000/- (Rupees Fifteen Lakh only) with 10% penalty within a period of five (05) days from today.

10. It is made clear that, we have not given any finding with regard to the contentions of the parties about the right of adjustment of the security amount and / or the refund of the same.

11. With the aforesaid observations, writ petition accordingly is disposed of. No costs.

12. Parties to act upon authenticated copy.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.