

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

WRIT PETITION NO. 4812 OF 2020

Mahatma Gandhi College of Agricultural
Biotechnology, Pokharni Post Limgaon,
Nanded-Purna Road, Dist. Nanded,
Through its Vice President .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shailesh P. Brahme, Advocate for the Petitioner.
Shri A. B. Chate, A.G.P. for the Respondent No. 1.
Shri S. K. Kadam, Advocate for the Respondent No. 2.
Shri M. N. Nawandar, Advocate for the Respondent No. 3.
Shri S. G. Karlekar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.
DATE : 13TH AUGUST, 2020.**

FINAL ORDER :

. The respondent No. 3/university has refused to issue no objection certificate to the petitioner for admitting students for the academic year 2020-2021. The same is assailed in the present writ petition.

2. After going through the documents placed on record by all the parties and considering arguments advanced by the learned counsel for parties, the picture seen of that rosy.

3. The dispute appears to be of the staffing pattern. According to the petitioner, the staffing pattern relied by the

petitioner is not approved and the same has not come into effect, as there is no Government Resolution/Notification or circular. According to respondents the revised staffing pattern is approved and as per the revised staffing pattern for the college conducting two divisions teaching staff of 53 would be required. According to the petitioner staff of 18 is sufficient.

4. We have been shown the chart clarifying the availability of the staff with other similarly situated colleges having two divisions. Some of the colleges have staff less than 18 have been granted no objection certificate.

5. It appears that, the petitioner was placed in D category in all these years. Certainly, compromise cannot be made in respect of inadequate staff. The staff as per approved staffing pattern has to be available with the college. We can understanding minor deficiencies in staffing pattern, but according to respondents required staff is 50. According to petitioner, colleges having teaching staff of 15 and 16 still no objection has been granted. The chart placed by the petitioner on record of five colleges shows that in two colleges at Hatta and Gandheli, staff is less than of the petitioner college, still NOC is granted to them. The authorities are required to consider the same. If the staff of those two colleges is less than of the petitioner for equal strength of the students, then certainly the petitioner can be said to be discriminated. The bone of contention of the petitioner is that, those improvements made with regard to equipments and staff during the year 2020 and

before 31st July 2020 have not been considered by the respondents and that respondents relied on inspection of December 2019.

6. As per the impugned order, the compliance is to be made till the start of the admission process of the academic year 2020-2021. It is submitted that, admission process for the academic year 2020-2021 commences from 31st July, 2020. The respondents were required to consider whether the petitioner has complied with the deficiencies. The petitioner tried to point out the compliances made, according to the petitioner in the month of May, June and July 2020. It is for the authorities to consider the same. It appears that, the said aspect has not been considered on its own merits.

7. In the light of that, we pass following order.

8. The respondents shall inspect the college of the petitioner within a period of ten (10) days from today. Upon inspection being made, fresh decision be taken after issuing notice to the petitioner within a period of seven (07) days from the date of inspection. The impugned order is quashed and set aside.

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

10. The parties to act on authenticate copy.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]