

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

1058 WRIT PETITION NO.2296 OF 2021

RATANDEEP MEDICAL FOUNDATION AND RESEARCH CENTRE AT
RATNAPUR AND ANOTHER ..PETITIONER

VERSUS

THE UNION OF INDIA AND ANOTHER ..RESPONDENTS

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Mr. R. N. Dhorde, Senior Advocate a/w Mr. P. S. Dighe i/by. Mr. Vikram R. Dhore, Advocate for the Petitioner.

Mr. A. G. Talhar, ASP for Respondent No.1.

Mr. M. D. Narwadkar, Advocate for Respondent No.2.

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

DATED : 17th FEBRUARY, 2021.

PER COURT:-

1. The petitioner assails the order passed by respondent no.1 refusing to grant permission to admit students for Academic Year 2020-2021 to the 1st year Homeopathic Course in its college.

2. Mr. Dhorde, learned Senior Advocate for the petitioner strenuously contends that the Hearing Committee recommended the case of the petitioner. The Assistant Advisor (H) had recommended after analyzing the entire infrastructure and the staff for granting conditional permission for continuing admission in BHMS for the Academic Year 2020-2021 for 100 seats. The learned Senior Advocate further submits that

the higher Authority that is Deputy Advisor also observed on the basis of the observations of the Hearing Committee to grant conditional permission to the petitioner for continuing admission in BHMS for the Academic Year 2020-2021. The learned Senior Advocate submits that while passing the impugned order the respondents have on untenable grounds held that the petitioner-Institution does not possess required staff. The petitioner is running college since four years. The students who are given the admission for the first time are now in 4th year. The petitioner possesses the infrastructure and the necessary staff. Under the impugned order, 14 teachers are held to be not eligible because their signatures in the affidavit do not match with the Teachers Code. The signatures are nowhere disputed by the said persons. According to the learned counsel approvals have been granted to their appointments by the Maharashtra University of Health Sciences. Once the approval has been granted, their eligibility cannot be doubted. The learned Senior Advocate further submits that all these teachers possess the necessary expertise, experience and qualification as required and only thereafter their appointments are approved by the University that is the Expert Body. According to the learned Senior Advocate there was no reason to deny permission to the petitioner as per the recommendation made by the Hearing Committee.

3. Mr. Talhar, learned A.S.G. submits that the CCH consists of expert persons. They have scanned the documents of the petitioner considering the observation of the Hearing Committee and then took a conscious decision. According to the learned A.S.G. the teachers as is detailed in the order did not possess necessary qualification as required by the regulations. All these aspects have been considered rightly by the Authorities. This Court may not interfere with the decision taken by the Experts.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. In academic matters, the Court are normally slow to substitute their views for the wisdom of the Experts. The CCH no doubt is the body to consider the infrastructure, qualification and the eligibility of the staff and then take a conscious decision. The Courts do not substitute their views in as much as the Court do not possess the necessary expertise in the subject.

6. We would only refer to the observations of the CCH while refusing permission to the petitioner while passing the impugned order. We are not going into the intricacies of the qualifications possessed by the staff. Naturally, it is for the Expert Body to consider the same.

7. In the impugned order the Authority has observed thus:

"Therefore, Ratnadeep Medical Foundation and Research Centre's Jamkhed Homeopathic Medical College, Jamkhed (Ratnapur), Tal. Jamkhed Maharashtra, is hereby denied permission for taking admission in BHMS Course with intake capacity of 100 UG seats for the academic session 2020-2021, as the said college is having only 10 eligible Full Time Teaching faculty for UG Course against the required 28 as per HCC (MSR)2013, as well as against the 17 FT UG Teaching faculty as per policy dated 03.02.2021 for 30 seats."

8. It would appear that, the Authority even while passing the impugned order was conscious of the fact that the petitioner has the necessary faculty and the infrastructure as per the policy dated 03.02.2021 for 30 seats. In that case, there was no reason for the Authority to deny permission atleast to the extent of 30 seats.

9. The petitioner since four years is possessing the permission to admit 100 students every year for the Homeopathic Course. May be earlier conditional permissions were granted.

10. The Authority has concluded that the petitioner has the necessary staff for 30 students even as per the policy.

11. In that event, there would not have been any impediment to grant permission to the extent of

intake of 30 students instead of intake of 100 students.

12. In light of the above, we pass the following order:

ORDER

A. The impugned order is modified to the extent that the respondent shall permit the petitioner to admit 30 students for the 1st year Homeopathic Course for the Academic Year 2020-2021. The necessary steps shall be taken immediately.

B. The respondent no.2 shall include the name of the petitioner in the list of colleges eligible for admitting students in the mop-up round.

13. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE