

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4631 OF 2021

Shree Kapildhara Polytechnic, Nashik
through its Chairman/Director

.. Petitioner

Versus

All India Council for Technical Education,
Mumbai & Ors.

.. Respondents

Mr.Mihir Desai, Senior Advocate i/by Mr.S.D. Kadam for the petitioner.
Mr.Abhijeet A. Joshi a/w Ms.Varsha Sawant and Mr.Swapnil Jadhav
for the respondent nos.1 & 2-AICTE.
Ms.K.N. Solunke, AGP for the State.

**CORAM : R.D. DHANUKA
R.I. CHAGLA, JJ.**

DATE : 1st September 2021

P.C.:-

Mr.Desai, learned senior counsel for the petitioner invited our attention to the order dated 13th August 2020 passed by the Division Bench of this Court in Writ Petition No.WP-ASDB-LD-VC-267 of 2020 filed by the petitioner against AICTE and would submit that by way of interim order, this Court granted interim relief in terms of prayer clause (d) subject to admission of 50% of the total strength in the new/current session. This Court however, made it clear that pendency of the petition shall not be a bar for the petitioner to submit all the relevant documents before the respondent no.1 in which the respondent no.1 may take a considered decision in the matter which may be placed before the Court on the next date.

2. Learned senior counsel invited our attention to the order dated 6th July 2021 passed by AICTE once again pointing out various deficiencies and recommended to put the petitioner institute under 'No-admission' category for the academic year 2020-21. It is submitted by the learned senior counsel that some of the deficiencies were already cured by the petitioner after the said interim order was passed by this Court. Some deficiencies can be cured by producing some of the documents annexed to the petition.

3. It is not possible for this Court to look into each and every document and to verify whether the deficiencies pointed out by AICTE are actually cured or not by considering the voluminous documents.

4. Learned senior counsel for the petitioner, on instructions, states that AICTE be directed to take a considered view after considering the petition and the documents annexed to the petition as representation and to reconsider decision expeditiously.

5. Mr.Joshi, learned counsel for the respondent nos.1 & 2 states that Standing Appellate Committee will have to be constituted again for considering the fresh documents. Statement is accepted.

6. Writ petition filed by the petitioner along with documents shall be considered as a representation. The respondent no.1 shall verify the documents produced by the petitioner in this writ petition and after rendering personal hearing to the petitioner, shall pass a fresh order on the deficiencies pointed out by the respondent no.1 in the impugned order dated 6th July 2021 whether deficiencies are cured or not and

consequently pass further orders depending upon the outcome of such findings. The entire exercise shall be completed by the Standing Appellate Committee within one week from today and shall pass a fresh order.

7. Writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

R. I. CHAGLA J.

R.D. DHANUKA, J.