

(1)

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

WRIT PETITION NO.2737 OF 2023

STUDENT ACADEMIC EDUCATION SOCIETY'S OYSTER
COLLEGE OF PHYSIOTHERAPY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr S. S. Thombre, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondent No.1
Mr S. G. Karlekar, Advocate for respondent No.2.
Mr S. P. Brahme, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 6th March, 2023

PER COURT:

1. The issue before us is, as to the compliance of the order passed by the Maharashtra University of Health Sciences, Nashik (Health University), dated 06/02/2023, pointing out the deficiencies in the Petitioner/ College, which are limited to, (a) at least 90% of the approved strength of the faculty members to be available, out of which only 14 were found, and (b) that 80% teachers should be University approved. There is no dispute that the Petitioner is supposed to have a faculty of 17 teachers.

(2)

2. The learned Advocate for the Petitioner submits that, after the Petitioner received the notice, dated 06/02/2023, it served a compliance report, dated 17/02/2023 to the Registrar of the Planning Board of the Health University. 16 teachers out of 17 have been granted approval by the Health University. Their approval letters and the dates have also been mentioned in the said communication. Contention of the Petitioner is that, this compliance report is pending with the Health University and the admission process for the Physiotherapy Medical Course has already started and which is to end on 10/03/2023.

3. It is undisputed that the Petitioner had the affiliation of the Health University for the academic year 2020-21. For the academic years 2021-22 and 2022-23, there was no affiliation and, hence, the Petitioner was restrained from admitting students to the extent of the First Year First Semester course. Earlier admitted courses have been continued.

4. It is canvassed by the Petitioner that, the Health University will have to consider the compliance report, dated 17/02/2023, and pass an order. If such order is favourable to the Petitioner, the same will have to be conveyed to the State CET Cell.

(3)

5. In view of the above, this petition is disposed off with a direction to respondent No.3 Health University, Nashik, to consider the compliance report of the Petitioner, dated 17/02/2023, until 5.00 p.m. on 08/03/2023. Whatever may be its decision, the same would be conveyed to the Petitioner, as well as to respondent No.2/ CET Cell, by E-mail. The petitioner's E-mail IDs are 'oysterphysiotherapycollege@gmail.com' and 'Oysterphysiotherapy@yahoo.co.in'

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk