

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

WRIT PETITION NO.13847 OF 2024

Matoshri Shaikshanik Pratishtan,
Dist. Pune and Anr.

.. Petitioners

Vs.

Dr. Babasaheb Ambedkar Technological
University, Lonere, Tal. Mangaon, Dist. Raigad & Ors.

.. Respondents

Mr. Sugandh B. Deshmukh with Ms. Karishma Shinde, Mr. Irvin D'Souza, Mr. Vaibhav Thorve and Mr. Aniket Kanawade, Advocates for the Petitioners.

Mr. Avinash Jalisatgi with Mr. T.R. Yadav and Ms. Divya Wadekar, Advocates for Respondent Nos.1 and 2.

Dr. Birendra Saraf, Advocate General, with Mr. P.P. Kakade, Government Pleader, Mr. B.V. Samant, Additional Government Pleader and Smt. M.S. Srivastava, Assistant Government Pleader for Respondent Nos.3 and 4- State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 9TH OCTOBER 2024.

PC. :

1. The petitioner no.1 - a Public Trust, registered under the provisions of the Maharashtra Public Trust Act, 1950, is conducting the petitioner no.2-College of Pharmacy. The Pharmacy Council of India - PCI on 10th December 2023 has granted approval to the College to undertake the B.Pharm. Course for academic year 2023-24. The Department of Higher and Technical Education by its order dated 31st July 2024 has granted necessary permission to the College to admit 100 students for the

B.Pharm. Course and 60 students for the D.Pharm. Course for the academic year 2023-24. It has been stated that though the approval was granted for academic year 2023-24, the admissions would be required to be undertaken for academic year 2024-25 subject to obtaining extension of approval from the PCI. This extension of approval by the PCI has been granted on 27th September 2024. Since the academic session 2024-25 has commenced and the petitioner no.2-College is yet to receive its affiliation from the respondent no.1-Dr. Babasaheb Ambedkar Technological University, Lonere, the petitioners have approached this Court.

2. The learned counsel for the petitioner submits that in the light of the fact that the PCI has granted approval to the College on 10th December 2023 coupled with the extension of that approval on 27th September 2024, the University ought to take necessary steps in the matter of grant of approval to the College. Since the State Government itself granted the requisite permission on 31st July 2024, it was not possible to practically comply with the time-frame stipulated under Section 48 of the Dr. Babasaheb Ambedkar Technological University Act, 2014 (*for short, "Act of 2014"*). As the approval by the PCI was received only on 10th December 2023, the College could not undertake any academic activities in the year 2023-24. Despite having requisite permission as well as extension of such approval, the College would lose one more academic year, 2024-25 if the

aspect of affiliation of the College is not considered. He therefore submits that considering these facts, interim relief be granted to the petitioners.

3. The learned counsel appearing for the University, on instructions, submits that besides the College, there is no other institution that has applied for affiliation belatedly on the ground that permission from the State Government was received after the cut-off date. About seventy-four applications were received in between October to December 2023 from Institutions which were yet to receive approval from the PCI and /or necessary permission from the State Government. He further submits that in case an application for grant of affiliation is made, the same requires a period of about three weeks for consideration as the Scrutiny Committee and thereafter the Local Inspection Committee have to undertake necessary inspection. Thereafter the matter is considered by the Academic Council. He therefore submitted that in accordance with Section 48 of the Act of 2014, the College could apply for affiliation in the next academic year, 2025-26.

4. Prima facie, considering the fact that the PCI has granted approval to the College on 10th December 2023 and has thereafter also extended that approval on 27th September 2024, it is clear that an application in terms of Section 48 of the Act of 2014 if made would be liable to be

considered for academic session 2025-2026. The permission granted by the State Government on 31st July 2024 states that its permission is for academic year 2024-2025 subject to extension of approval by the PCI. In the light of the fact that the approval by the PCI came after the last date for making an application for affiliation with the University, the College would not be able to participate in the admission process for the academic year 2024-2025. This would result in loss of an academic year despite receipt of approval from the PCI and permission from the State Government. According to the University, a time of about three weeks would be required to consider the matter as regards grant of affiliation to the College. In the peculiar facts of the case, we are inclined to issue an interim direction to the University to consider as to whether affiliation could be granted to the College so as to enable it to participate in the admission process for the current academic year, 2024-25. This direction is issued without prejudice to the rights and contentions of the respondents and would be subject to further orders in the writ petition.

5. Accordingly, an interim direction is issued to the University to undertake the process of considering grant of affiliation to the College for the academic year 2024-25 in accordance with the Dr. Babasaheb Ambedkar Technological University Act, 2014 and the Regulations framed thereunder. If the petitioners make such application for grant of affiliation

by paying all the necessary charges within a period of three days from today, the said exercise of considering the grant of affiliation to the College shall be undertaken on its own merits and in accordance with law.

6. Stand over to 20th November 2024 for further consideration.

7. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]