

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7809 of 2016

Shree Ramchandra College of Engineering and anr.Petitioners
versus
All India Council for Technical Educational and ors. ...Respondents

Mr. S. C. Naidu along with Mr. T. R. Yadav i/b. C. R. Naidu and Co.,
advocates for the petitioners.
Ms. Meena Doshi, advocate for respondent No.1.
Mr. P. G. Sawant, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 13th JULY, 2016.

P. C. :

Heard Mr. Naidu, learned counsel for the petitioner and Ms. Doshi, learned counsel for respondent No.1 and Mr. Sawant, learned AGP for the State.

2. By the impugned order dated 11th May, 2016, passed by respondent No.1- All India Council for Technical Education (for short "the AICTE"), the intake capacity for all the courses in U.G.Programme and P.G.Programme is reduced by 10% and second shift of diploma is placed under "No Admission Category" for the academic year 2016-2017. This was done on the alleged ground that there is deficiency in

built-up area and faculty. From the letter dated 16th March, 2016 addressed to the Regional Officer, AICTE-Western Regional Office, it is apparent that this deficiency has arisen due to erroneous entry of approved intake capacity of all three courses i.e. 6000 instead of 2184 and required built up area of 14737 sq.meters instead of 9642 sq.meters

3. The petitioner thereafter approached the appellate authority and by the order dated 14th June, 2016, the appellate authority dismissed the petitioner's appeal. The order of the appellate authority is annexed at Exhibit O, page 52. It shows that there are 104 actual faculties in U.G.programme, and 32 out of these, are approved. The chart annexed at page 51, certified by the Joint Director, Technical Education (Admin), Regional Office Pune also shows that so far as Diploma Courses are concerned, the required faculty is 21 and all these faculties are available to the petitioner. So far as U.G.programme is concerned, the faculty required is 104 and available faculty is 80. So far as P.G.programme is concerned, the appellate authority has observed that 12 faculties are required and, out of which, only one is approved. It is also relevant to point out that the deficiency in Post-Graduation Programme was not found earlier by respondent No.1 while passing the earlier order by reducing the intake capacity and closure of the course. Prima facie, it seems that the appellate authority dismissed the petitioner's appeal on

the ground that there is no approval to some of the faculty appointed by the petitioner. So far as deficiency in built-up area is concerned, the appellate authority is silent. The petitioner, however, by filing document has pointed out that they have the required built-up area.

4. In the light of this, we prima facie find that a case for admission is made out. Therefore, Rule.

5. During the pendency and till the final disposal of the petition, there shall be an interim relief in terms of prayer clauses (c) and (d) which reads as follows:

“(c) That pending the hearing and final disposal of this Petition this Hon'ble Court pleased to:

(i) Stay the operation, implementation and effect of orders bearing No. F.No. Western I-423117483/2016 dated 11th May 2016 at Exhibit – M hereto and No.F.No.Western 1-423117483/2016 dated 14th June 2016 and at Exhibit – O hereto.

(ii) Direct the Respondents to permit admission of students to Petitioners college for A.Y.2016-17 with approved intake of :

- . 72 students for 3 courses in PG;
- . 360 students in first year Engineering Degree 5 courses;

- . 60 students in Direct Second Year UG Course (Mechanical);
- .180 students in First Year Diploma 3 courses.

(iii) Direct the AICTE to forthwith issue corrigendum EOA for 2016-17 with approved intake capacity as above.

d) That pending the hearing and final disposal of this Petition the Respondents to forthwith include full intake capacity for Degree and Diploma Engineering Courses as granted for A.Y..2015-2016 and immediately permit access to eligible candidates to submit on line option form for each of the CAP rounds commencing from or after the date of the Order for all approved seats in the said courses/shifts for A.Y. 2016-2017 and to take all consequential steps required to ensure admission to full intake capacity of Petitioner College;”

7. The petitioner shall inform the students whom they have admitted about this order. The students shall not be entitled to claim equity on the basis of this interim order.

8. Ms. Doshi, learned counsel and Mr. Sawant, learned AGP waives service on behalf of respondent No.1 and 2 respectively.

9. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]

Bombay High Court