

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7360 OF 2016

Yashoda Tehnical Campus.

..Petitioner.

Versus

All India Council for Technical
Education (AICTE) & Others.

..Respondents.

Mr. S. C. Naidu a/w Aniket Poojari i/c C. R. Naidu & Co., for the
Petitioner.

Ms. Meena Doshi for Respondent No. 1.

Ms. A. D. Vhatkar, AGP for the State.

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : July 5, 2016.

P. C. :

1. Heard the learned Counsel appearing for the
respective parties.

2. By this petition, the Petitioner is challenging the
orders passed by the Respondent - AICTE. By the first order, the
intake capacity of the Petitioner - Institute is reduced by 25% and
the appellate authority has further reduced the intake capacity by
25%, making the total reduction in the intake capacity of the
Petitioner - institute at 50%. By the second order, the second
shift of the Petitioner - Institute in respect of diploma courses is

completely stopped.

3. The reduction in the intake capacity in degree courses and the stoppage of second shift of diploma course is done mainly on the ground of deficiency in the faculty. So far as the degree courses run by the Petitioner is concerned, the total required staff is 96 and insofar as the diploma courses are concerned, the total required staff is 27.

4. It is the case of the Petitioner that so far as the degree courses are concerned, there are 81 full time faculty members and 20 visiting faculty members. Insofar as the diploma courses are concerned, it is the case of the Petitioner that they have appointed 22 full time faculty members and they are having 5 visiting faculty members.

5. Ms. Meena Doshi, the learned Counsel appearing for Respondent No.1-AICTE submitted that most of the faculty members were appointed subsequent to the order impugned in the present writ petition and therefore impugned orders cannot be faulted with. She also made a grievance that details about the faculty members are not made available to the evaluating committee.

6. Mr. Naidu, on the contrary has placed before us details about the faculty members including the visiting faculty members. He submitted that the said faculty members of degree as well as diploma courses are appointed on regular basis and their services will be secured all throughout the year without any break. He also made a statement that services of the visiting faculty members will also be continued.

7. Since the Petitioner has already appointed the faculty members after the orders impugned in the writ petition and those faculty members would be available all throughout the year without any break, we grant **Rule**. Hearing is expedited. Rule made returnable after six months.

8. By way of interim relief, we stay the impugned orders passed by Respondent No.1 as well as by the appellate authority and permit the Petitioner to admit students as per the approval dated 30th April 2016 [Exhibit- L to the petition]. However, interim relief is granted subject to the Petitioner filing undertaking in this Court within two weeks from today that faculties appointed by them (regular as well as visiting) will be continued and their services will be secured all throughout the year without any

break. In case the Petitioner commits breach of the undertaking or fails to furnish undertaking as stipulated above, the Respondent-AICTE will be entitled to take action against the Petitioner.

9. In view of the aforesaid interim order passed today, the University and the State Government are directed to process admissions and to take consequential steps so as to include the Petitioner's institution in the CAP.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]