

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8484 of 2018

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SHRI SARVAJANIK PHARMACY COLLEGE

Versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

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Appearance:

MR DHAVAL DAVE, SENIOR ADVOCATE FOR

MR JIGAR M PATEL(3841) for the PETITIONER(s) No. 1

MRS NISHA M PARIKH(2397) for the RESPONDENT(s) No. 1

NOTICE SERVED BY DS(5) for the RESPONDENT(s) No. 2

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CORAM: **HONOURABLE MR.JUSTICE S.H.VORA**

Date : 21/06/2018

ORAL ORDER

1. The petitioner institution has challenged the order dated 10.04.2018 passed by respondent no.1 and has further prayed to grant an extension of approval to the petitioner in respect of course in the discipline of pharmacy at the level of graduation and post graduation for the Academic Year 2018-19.

2. Heard learned Senior Advocate Mr. Dhaval C. Dave for learned advocate Mr. Jigar Patel, learned advocate for the petitioner and Mrs. Nisha Parikh, learned advocate for respondent no.1. Though notice to the respondent no.2 is served, none appeared.

3. Vide order dated 10.04.2018, the respondent on the basis of EVC Report recommended that the institution falls in the category of No Admission for the year 2018-19 as there is no occupancy certificate and further there is faculty deficiency of more than 50%. Though number of other deficiencies are

pointed out by the committee of respondent no.1 in the impugned order. The petitioner by way of further affidavit at page no.461 tried to justify that the deficiencies shown in the impugned order are, as such, not of serious nature and even otherwise, the petitioner undertakes to remove/cure all such deficiencies/shortcomings within a period of two months from today. As such, it is a matter of fact that the petitioner institution has become functional for Academic Year 1998-99 and while seeking extension of approval for the Academic Year 2018-19, there is no justification in law for the petitioner to be placed under No Admission category for the Academic Year 2018-19. Upon perusal of the reply on behalf of the respondent, there is no challenge to the averments made in ground-T which relates to the sufficiency of faculty members in the set-up of petitioner college. It is the case of the petitioner that the faculty is sufficient as per the norms. It is stated at bar that the petitioner has produced B.U. certificate, whereas extension of approval is refused on the ground that occupancy certificate is not produced. Without going into the further details, it appears that the petitioner institution proposes intake of 100 students in under graduation course and 45 students for post graduation course. The Court finds that the shortcomings/discrepancies/deficiencies though noticed by the respondent and though removed after impugned order, necessary inspection is not done and therefore, pending hearing of the petition, relief in terms of para-34(B) is granted, but on condition that the petitioner shall remove the discrepancies/shortcomings/deficiencies, if any, persisting within a period of two months from today and respondent is at liberty to inspect the premises after three months from today. If, there is any discrepancies/ deficiencies, it shall be open for

the respondent No.1 to place it on record for further consideration before this Court. Direct service is permitted, **today.**

S.O. to 24.09.2018.

(S.H.VORA, J)

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