

**In the High Court of judicature at Bombay**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE  
WRIT PETITION NO. 3916 OF 2001**

All India Council for Technical Education  
Vs.  
State of Maharashtra & Ors.

..... Petitioner

..... Respondents

Shri C.J. Sawant, Counsel with Shri Vijay Patil for the petitioner.  
Shri G.E. Vahanavati, A.G. with Shri S.B. Shetye, A.G.P. for Respondent Nos.1 and 2.  
S/Shri Y.S. Jahagirdar, V.M. Kanade, Appasaheb Desai and T.S. Ingale for the Interveners.

Coram : B.P. Singh. C.J. and  
Dr. D.Y. Chandrachud, J.  
17th September, 2001

**P.C. :**

We have heard Counsel for the parties. We have also heard Counsel for the Interveners.

In this Writ Petition All India Council for Technical Education is aggrieved by the fact that the State of Maharashtra through Respondent No.2, Directorate of Technical Education, has published information brochure indicating collegewise intake which is at variance with the actual intake approved by the AICTE. Mr. Sawant submits that the AICTE has authority to grant approval to the number of seats for admission available in the professional college and no professional college is permitted to change the intake capacity except with the approval granted by the Council. The authority of AICTE is not challenged by the Advocate General on behalf of the State of Maharashtra. He submits that the intake capacity of the College has to be determined by the AICTE. There have been conflicting orders of AICTE whereby in the first instance the intake is determined, which is subsequently reduced or increased, and again reduced or increased resulting in the State of Maharashtra not being in a position to understand the exact intake capacity of the colleges. Learned Advocate General further submits that the State Government will abide by any decision taken by the AICTE with regard to intake capacity of the Colleges but the decision should be taken in such a manner that there is no ambiguity. The State Government should be informed of the intake capacity well in time so that information may be given to the prospective candidates accordingly. Mr. Sawant appearing on behalf of the AICTE has also welcomed this suggestion made by the Advocate General. He submits that with effect from the Academic Year 2002-2003, the AICTE shall communicate to the State Government before 30th June each year the intake capacity of different colleges concerned in the State of Maharashtra, and the intake capacity so determined shall not be changed thereafter. The State of Maharashtra will inform the prospective candidates accordingly and no change after 30th June of that year shall be made.

If in any subsequent year AICTE fails to communicate to the State Government the intake capacity of colleges for that year, the State Government shall proceed on the basis of the intake capacity as determined for the previous year.

So far as the current Academic Year is concerned, viz., 2001-2002, we direct the Petitioner-Council to communicate to the State of Maharashtra, within three days from the date of receipt of this order, the intake capacity of different colleges as determined by it. The Advocate General states that the State Government will act in accordance with such determination, in so far as the admissions for the Academic Year 2001-2002 are concerned. After the AICTE communicates to the State Government, the statement as regards the intake capacity of various colleges, the State of Maharashtra will commence the admission process.

Parties to act on a copy of this order duly authenticated by the Sheristadar of this Court.

Sd/-  
CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.

TRUE COPY  
Sd/-  
17.9.2001

(G.R.Salvi)

COURT SHERISTEDAR &  
SECTION OFFICER  
HIGH COURT, APPELLATE SIDE  
MUMBAI-400032