

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 3638 /2019

Late Ahilyabai Kakde Bahuuddeshiya Shikshan Prasarak Mandal & one
another

Vs.

All India Council for Technical Education & Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Firdos Mirza, Advocate for petitioners.
Mr. N.B. Jawade, APP for respondents.

CORAM : MANISH PITALE, J.

DATED : MAY 14, 2019

The petitioners herein have challenged the action of the respondent No.1 Council in mentioning the status of petitioner No.2 Polytechnic run by petitioner No.1 management on its web portal on 08/5/2019 as “No admission”.

2. Mr. Firdos Mirza, the learned counsel for the petitioners has pointed out that petitioner No.2 polytechnic has been enjoying the status of approved institution from respondent No.1 Council till the academic year 2018-19 and that the said adverse status of “No admission” has been suddenly uploaded on the website of respondent No.1 Council, having grave prejudicial and adverse effect on the future of petitioner No.2 polytechnic.

3. It is pointed out that as per the latest regulations of respondent No.1 Council i.e. All India Council for Technical Education (Grant of Approvals for Technical Institutions) Regulations, 2018, an adverse order concerning institutions like petitioner No.2 herein ought to have been communicated by respondent No.1 Council by ensuring that sufficient time would be available for challenging the same through the scheme of appeals provided under the said Regulations. It is submitted that under the said Regulations, petitioner No.2 polytechnic could have approached respondent No.1 Council itself by way of an appeal and if an adverse order was passed by executive committee of respondent no. 1, there was further appeal before the standing appellate committee. As per the said Regulations brought to the notice of this Court, the standing appellate committee is required to take a final decision, which then is to be uploaded on or before 30th April of each calendar year.

4. It is the case of the petitioners that other than aforesaid uploading of status of “No admission” suddenly on the web portal of respondent No.1 Council on 08/5/2019, there has been no communication of any adverse order by respondent No.1 Council to the petitioners. It is brought to the notice of this Court that report of the Expert Visiting Committee (EVC) dated 14/1/2019, recorded certain deficiencies, but,

no specific show cause notice in that regard was ever issued to the petitioners. It is pointed out that the petitioner No.2 was informed that it could place its case before the standing appellate committee of respondent No.1 Council by letter dated 15/04/2019, in response to which petitioner No.2 polytechnic did give certain explanations to demonstrate that in fact there was sufficient infrastructure and required number of teachers in petitioner No.2 polytechnic. It is further submitted that no specific order was ever passed or communicated or uploaded on the web portal of respondent No.1 Council as regards such explanations given by petitioner No.2 polytechnic.

5. In this backdrop, it is pointed out that respondent No.1 Council has not followed the procedural scheme contemplated in the aforesaid latest Regulations of December, 2018, leading to grave prejudice to the petitioners. It is further pointed out that there is an urgency in the present case because as per the Approval Process Handbook of 2019–20, issued by respondent No.1 Council, particularly clause No.19.1 thereof, unless petitioner No.2 polytechnic is included in the list of approved institutions, the respondents No.2 and 3 would not be granting affiliation to petitioner No.2 polytechnic, due to which it would not be included in the list of institutions where admissions could be taken by students. Therefore, interim relief is also claimed by the

petitioners. In view of the above, issue notice returnable on **10th June, 2019**.

6. Mr. N.B. Jawade, APP waives notice on behalf of respondent No.2.

7. The petitioners are permitted to serve the respondents by way of email and other such mode of communication.

8. Hamdast is granted.

9. In the meanwhile, there shall be interim relief in terms of prayer clauses (b) and (c).

10. The petitioners shall inform the students seeking admission in the petitioner No.2-Sai Polytechnic that their admissions shall be subject to the final decision in the present writ petition.

11. Steno copy be supplied to the parties to act upon.

JUDGE