

ITEM NO.6

COURT NO.5

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.142 of 2006

VIPLAV SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for directions and modification of Court's order dated 27.10.2014 and extension of time registered and urgency and office report)  
(For final disposal)

WITH W.P.(C) No.349/2009

W.P.(C) No.30/2010

(With appln.(s) for early hearing and office report)

W.P.(C) No.152/2010

(With appln.(s) for directions and office report)

W.P.(C) No.156/2010

(With appln.(s) for permission to file synopsis and list of dates and appln.(s) for directions and appln.(s) for permission to file additional documents and office report)

W.P.(C) No.177/2010

(With appln.(s) for permission to file synopsis and list of dates and appln.(s) for directions and appln.(s) for permission to file additional documents and office report)

W.P.(C) No.191/2010

(With office report)

W.P.(C) No.194/2010

(With office report)

W.P.(C) No.217/2010

(With appln.(s) for permission to file additional documents and appln.(s) for directions and appln.(s) for permission and appln.(s) for permission to file rejoinder affidavit and office report)

W.P.(C) No.119/2011

(With appln.(s) for stay and appln.(s) for clarification of court's order and appln.(s) for directions and office report)

Signature Not Verified

Digitally signed by

Chetan Kumar

Date: 2015.09.10

16:39:15 IST

Reason:

WP(C) 142/06

Date: 08/09/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Sanjay R. Hegde, Adv.

Mr. Anil Kumar Mishra-I, AOR

WP 349/2009

Mr. Rakesh K. Sharma, AOR

WP 30/2010 Mr. Amit Anand Tiwari, AOR  
Mr. Abhinav Raghuvanshi, Adv.  
Mr. Abhinandan Banerjee, Adv.

WP 152/2010 Mr. R. Ayyam Perumal, AOR  
Ms. Enakshi Mukhopadhyay, Adv.

WP 156/2010 & WP 177/2010 M/s. Lawyer S Knit & Co

WP 191/2010 Mr. R. Gopalakrishnan, AOR

WP 194/2010 Mrs. Kirti Renu Mishra, AOR

WP 217/2010 Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. Raghavendra S. Srivatsa, AOR  
Mr. Venkita Subramonium T.R., Adv.

WP 119/2011 Dr. Rajiv Dhawan, Sr. Adv.  
Mr. Deepak Kanwar, Adv.  
Mr. Sudhir Kumar, Adv.  
Mr. Ranjan Kumar Pandey, AOR  
Mr. Charit Mohan, Adv.

For Respondent(s) Mr. Tushar Mehta, ASG  
Ms. Vibha Datta Makhija, Sr. Adv.  
Ms. Rashmi Malhotra, Adv.  
Mr. B.V. Balram Das, Adv.  
Ms. Disha Vaish, Adv.  
Ms. Binu Tamta, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. M.P. Gupta, Adv.  
Mr. R. Balasubramaniam, Adv.  
Mr. D. S. Mahra, AOR

WP(C) 142/06

3

Mr. Maninder Singh, ASG  
Mr. Manoj R. Sinha, Adv.  
Mr. T. Mahipal, Adv.

Mr. L. Nageshwar Rao, Sr. Adv.  
Mr. Subramonium Prasad, AAG  
Mr. M. Yogesh Kanna, Adv.

Dr. Rajeev Dhavan, Sr. Adv.  
Mr. Vikas Singh, Sr. Adv.  
Ms. Udita Singh, Adv.  
Mr. Shashank Khurana, Adv.  
Mr. Lakshmi Raman Singh, AOR

Mr. Naveen R. Nath, AOR  
Ms. Mohini Bhat, Adv.  
Mr. Darpan K.M., Adv.

Mr. Mathai M. Paikaday, Sr. Adv.  
Mr. K. Ramesh, Adv.  
Mr. Anas Shammad, Adv.  
Mr. Sanjay Jain, AOR

Mr. Amarendra Sharan, Sr. Adv.  
Mr. Vivek Singh, AOR

Mr. Ajay Kumar Misra, Sr. Adv.  
Mr. Kumar Anurag Singh, Adv.  
Ms. Anuradha D. Mishra, Adv.  
Ms. Tulika Mukherjee, Adv.  
for M/s Anuradha & Associates

Dr. S. K. Verma, AOR

Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
for M/s. Lawyer S Knit & Co.

Mr. P.H. Parekh, Sr. Adv.  
Mr. Nitin Thukral, Adv.  
Mr. K. Raj, Adv.  
Mr. Vishal Prasad, Adv.  
for M/s. Parekh & Co.

Mr. Amit Kumar, AOR

Mr. Arvind Minocha, AOR

Mr. A. Subba Rao, AOR  
Mr. K.L.D.S. Vinoben, Adv.

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Mr. B. Mohan, AOR

Mr. C. D. Singh, AOR

Mr. Chanchal Kumar Ganguli, AOR

Mr. Devendra Singh, AOR

Mr. Dharmendra Kumar Sinha, AOR

Mr. E. M. S. Anam, AOR

Mr. Gaurav Agrawal, AOR

Mr. G. N. Reddy, AOR

Mr. K. K. Mani, AOR  
Ms. T. Archana, Adv.

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Mr. Mohinder Jit Singh, AOR

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Mr. M.S.M. Asaithambi, Adv.  
Mr. C. Kannan, Adv.  
Mr. Prashant Kenjala, Adv.  
Mr. Narendra Kumar, AOR

Mr. Amitesh Kumar, Adv.  
Mr. Shashank Shekhar Singh, Adv.  
Mr. Navin Prakash, AOR

Mr. V.G. Pragasam, Adv.  
Mr. Prabu Ramasubramanian, Adv.

Mr. Nikilesh Ramachandran, AOR

Mr. P. N. Puri, AOR

Mr. P. Parmeswaran, AOR

Mr. Praveen Swarup, AOR

5

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Mr. Santosh Kumar Tripathi, AOR

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Mrs. S. Usha Reddy, AOR

Mr. S. Thananjayan, AOR

Mr. V. Balachandran, AOR

Mr. Vikas Mehta, AOR

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Ms. Jesal Wahi, Adv.

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Mr. Arjun Harkauli, AOR

For MCI

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Mr. G. Ramakrishna Prasad, Adv.

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Ms. Filza Moonis, Adv.

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Ms. Prerna Ajmani, Adv.

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UPON hearing the counsel the Court made the following

O R D E R

On 23rd April, 2015, when the matter was listed, after noting the submissions of Mr. Tushar Mehta, learned Additional Solicitor General and Mr. Sanjay R. Hegde, learned senior counsel appearing for the petitioner, this Court had directed as follows:

"In our considered opinion, the NAAC shall look into the matter and will decide the issue of accreditation and proceed as per law. If the NAAC desires to consult the University Grants Commission or consider the report submitted by the U.G.C., it is free to do so. It is hereby made clear that any decision given by the NAAC shall be subject to the result of the writ petition, as well as the further deliberations in the backdrop of rules framed by the Union of India.

As the admission time in the universities is fast approaching, the NAAC shall decide the

matter within two weeks hence. If the NAAC has already accredited a university, the same status shall remain with the university till the next date of deliberation. Needless to emphasize, NAAC while determining the accreditation, shall act with utmost objectivity."

Thereafter, the matter was listed on number of occasions and time was extended. On 18th August, 2015, the following order came to be passed:

"Let the matter be listed on 08.09.2015 on which day Mr. Tushar Mehta, learned Additional Solicitor General appearing for the Union of India will obtain instructions whether the 34

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Universities who have been conferred the status of deemed Universities suffer any deficiencies and, if so, how much time can be granted for rectification of the deficiencies.

Learned counsel appearing for National Assessment and Accreditation Council shall also apprise this Court how much time will be required to deal with the universities for affirmation of grades."

Today, we have heard learned counsel for the parties. As far as the first part of the order dated

18th August, 2015, is concerned, we have been apprised by Mr. Tushar Mehta, learned Additional Solicitor General that the Union of India is going to frame a set of regulations by receiving certain inputs from many a organization.

Ms. Vibha Datta Makhija, learned senior counsel appearing for the Ministry of Human Resource Development, has

submitted that they will take a decision in respect of aspects. Be it stated with clarity and certitude that the said decision has nothing to do with the decision taken by the National Assessment and Accreditation Council (NAAC) for the present.

Be it noted, the tenor of the orders has been to see that the NAAC considers the cases of the universities and

issue the gradation/accreditation.

At this juncture, it is

urged by Mr. Maninder Singh, learned Additional Solicitor  
General appearing for National Assessment and Accreditation

Council that the NAAC has already sent the requ

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WP(C) 142/06

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formats to many a university, but only five of them have  
responded.

Dr. Rajeev Dhavan, learned senior counsel appearing  
for the respondent, per contra, would contend that they have  
no objection to send the self-appraisal report to NAAC, but  
it has incorporated a clause that the university shall give  
an undertaking that they will abide by the 2010 Regulations.

Be it noted, 2010 Regulations is not the Regulation which

pertains to NAAC. We have been apprised that  
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constitutional validity of the said Regulations is  
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subject matter of assail in some other special  
leave

petition and transfer petitions before this Court. Be  
that

as it may, we refrain to comment on that today.

Having heard the learned counsel for the parties, it

is directed that the NAAC shall not insist on  
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Regulations and shall proceed forthwith and the universities  
are directed to send self appraisal format by filling it up  
appropriately sans the said undertaking, within a period of

ten days. The NAAC shall take up the matte  
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expeditiously as possible, and should decide the grant of  
accreditation within a period of eight weeks therefrom.  
The

deficiency shall be sent by e-mail to the Universities so  
that the process is expedited.

Needless to say, any action taken by the NAAC in

praesenti, shall be subject to the result of the  
writ

petition.

We have been told at the Bar that seven universities, who were granted time by the University Grants Commission to remove the defects, have already done so. If that is the position, they can submit an application before the NAAC to obtain the requisite form and can send the self-appraisal report. We do not intend to say anything on the said score. We hope that the authorities of NAAC shall act with quite promptitude and not seek further adjournment or extension of time.

Let the matter be listed on 19th November, 2015.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

WP(C) 142/06

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ITEM NO.6

COURT NO.5

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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Mr. T. Mahipal, Adv.

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Mr. Sanjay Jain, AOR

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Mr. Ajay Kumar Misra, Sr. Adv.  
Mr. Kumar Anurag Singh, Adv.  
Ms. Anuradha D. Mishra, Adv.  
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Mr. Nikilesh Ramachandran, AOR  
Mr. P. N. Puri, AOR  
Mr. P. Parmeswaran, AOR  
Mr. Praveen Swarup, AOR

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Mr. Vishwajit Singh, AOR  
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Ms. Charu Mathur, AOR  
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For MCI

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aspects. Be it stated with clarity and certitude that the said decision has nothing to do with the decision taken by the National Assessment and Accreditation Council (NAAC) for the present.

Be it noted, the tenor of the orders has been to see that the NAAC considers the cases of the universities and issue the gradation/accreditation. At this juncture, it is urged by Mr. Maninder Singh, learned Additional Solicitor General appearing for National Assessment and Accreditation Council that the NAAC has already sent the requ

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Dr. Rajeev Dhavan, learned senior counsel appearing for the respondent, per contra, would contend that they have no objection to send the self-appraisal report to NAAC, but it has incorporated a clause that the university shall give an undertaking that they will abide by the 2010 Regulations.

Be it noted, 2010 Regulations is not the Regulation which

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We do not intend to say anything on

the said score.

We hope that the authorities of NAAC shall

act with quite promptitude and not seek further adjournment

or extension of time.

Let the matter be listed on 19th November, 2015.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master