

ITEM NO.301

COURT NO.6

SECTION PIL

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(s) (Civil) No(s).142/2006

VIPLAV SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

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

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

(With appln.(s) for early hearing and Office Report)

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 additional documents and appln.(s) for permission to file synopsis and list of dates and appln.(s) for directions 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 and appln.(s) for permission to file rejoinder affidavit and appln.(s) for permission to file additional documents and appln.(s) for directions 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)

Date : 23/02/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Sanjay R. Hegde, Adv.
Mr. S. Nithin, Adv.
Mr. Aditya Jain, Adv.
Mr. Anil Kumar Mishra-I, AOR

WP 349/09 Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, AOR
Ms. R. Mekhala, Adv.

WP 30/10 Mr. Amit Anand Tiwari, AOR
Ms. Shakun Sharma, Adv.
Mr. Abhinav Raghuvanshi, Adv.
Mr. Abhinandan Banerjee, Adv.
Mr. Raghwendra Tiwari, Adv.

WP 152/10 Mr. R. Ayyam Perumal, AOR

WP 156/10 M/s. Lawyer S Knit & Co.

WP 191/10 Mr. R. Gopalakrishnan, AOR

WP 194/10 Mrs. Kirti Renu Mishra, AOR
Ms. Apurva Upananya, Adv.

WP 217/10 Mr. Raghavendra S. Srivatsa, AOR

WP 119/11 Mr. Ranjan Kumar Pandey, AOR

For Respondent(s) Mr. Tushar Mehta, ASG
Ms. Vibha Datta Makhija, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Md. Kharati, Adv.
Mr. B.V. Balram Das, AOR

For UGC Mr. Maninder Singh, Sr. Adv.
Mr. Manoj Ranjan Sinha, Adv.
Mr. Vikas Kumar, Adv.
Mr. T. Mahipal, AOR

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

Dr. Rajeev Dhavan, Sr. Adv.
Mr. Deepak Kumar, Adv.
Mr. Sudhir Kumar, Adv.
Mr. Ranjan Kumar Pandey, Adv.
Mr. Naveen R. Nath, Adv.
Mr. Darpan K.M., Adv.

Mr. Vikas Singh, Sr. Adv.
Mr. S. Venkatesh, Adv.

Ms. Deepika Kalia, Adv.
Mr. Anny P. Agarwala, Adv.
Mr. Kapish Seth, Adv.

Mr. B.A. Khan, Sr. Adv.
Mr. Himanshu Upadhyaya, Adv.
Mr. Arvind Minocha, AOR

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

Mr. R.S. Suri, Sr. Adv.
Mr. Rahul Malhotra, Adv.
Mr. Avinash Kumar, Adv.
Mr. Chanchal Kumar Ganguli, AOR

Mr. K.V. Viswanathan, Sr. Adv.
Mr. Raghavendra S. Srivatsa, AOR
Mr. Venkita Subramoniam T.R., Adv.
Mr. Rahat Bansal, Adv.
Mr. Amit A. Pai, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena Elizabeth Joseph, Adv.
Ms. Akanksha Mehra, Adv.
Ms. Srividya K. Kaimal, Adv.
Ms. Shrinjan Khosla, Adv.
Ms. Swati Vellodi, Adv.
Mr. Laksh Puri, Adv.
for M/s. Lawyer S Knit & Co.

Mr. Gaurav Sharma, Adv.
Mr. Prateek Bhatia, Adv.
Ms. Amandeep Kaur, Adv.

Mr. G. Ramakrishna Prasad, Adv.
Mr. Suyodhan Byrapaneni, Adv.
Mr. Mohd. Wasay Khan, Adv.

Mr. Bharat J. Joshi, Adv.
Ms. Filza Moonis, Adv.
Mr. Balaji Srinivasan, AOR

Mr. V. Balaji, Adv.
Mr. C. Kannan, Adv.
Mr. Atul Sharma, Adv.
Mr. Narendra Kumar, AOR

for M/s. M.V. Kini & Associates

Mrs. K. Enatoli Sema, Adv.
 Mr. Amit Kumar Singh, Adv.
 Mr. Balaji Srinivasan, Adv.

Mr. V.G. Pragasam, Adv.

Mr. Anip Sachthey, Adv.
 Mr. Saakaar Sardana, Adv.

Mr. P.N. Puri, AOR

Mr. S.S. Shamsbery, Adv.
 Mr. Sandeep Singh, Adv.
 Mr. Ruchi Kohli, Adv.

Mr. V. Prabhakar, Adv.
 Mr. R. Chandrachud, AOR
 Ms. Jyoti Prashar, Adv.

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

Mr. Gopal Sankaranarayanan, Adv.
 Mr. Vikramaditya, Adv.
 Mr. Senthil Jagadeesan, AOR

Maharashtra

Ms. Asha G. Nair, Adv.
 Mr. A.P. Mayee, Adv.

Mr. K.N. Balgopal, Sr. Adv.
 Mr. Devendra Singh, AOR
 Mr. Anant K. Vatsya, Adv.

Mr. K. K. Mani, AOR
 Mrs. T. Archana, Adv.
 Mr. Abhishek Krishnan, Adv.

Mr. Mohinder Jit Singh, AOR
 Ms. Yanmi Paazang, Adv.

Mr. Yogesh Kanna, Adv.
 Mr. J. Janani, Adv.
 Mr. A. Santha Kumaran, Adv.

Mr. Darpan K.M., Adv.
 Mr. Naveen R. Nath, AOR

AICTE

Mr. Amitesh Kumar, Adv.
 Mr. Navin Prakash, AOR

Mr. G. Umapathy, Adv.
Mr. Rakesh Sharma, Adv.
Mr. S. Gowthaman, AOR

Telangana

Mr. P. Venkat Reddy, Adv.
Mr. Sumanth Nookala, Adv.
For M/s Palwai Venkat Law Associates

Dr. S.K. Verma, AOR

Mr. Amit Kumar, AOR

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

Mr. B. Mohan, AOR

Mr. C.D. Singh, AOR

Mr. Dharmendra Kumar Sinha, AOR

Mr. E.M.S. Anam, AOR

Mr. Gaurav Agrawal, AOR

Mr. G.N. Reddy, AOR

Mr. K.V. Mohan, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Irshad Ahmed, AAG, UP
Mr. vivek Vishnoi, Adv.
Mr. M. R. Shamshad, AOR
Mr. Aditya Samadaar, Adv.

Mr. Nikhilesh Ramachandran, AOR

Mr. P. Parmeswaran, AOR

Mr. Praveen Swarup, AOR

Mr. P. Vinay Kumar, AOR

Mr. Rakesh K. Sharma, AOR

Mr. R. Ayyam Perumal, AOR

Mr. Santosh Kumar Tripathi, AOR

Mr. S. Chandra Shekhar, AOR

Mrs. D. Bharathi Reddy, AOR

Mr. Shibashish Misra, AOR

Mr. Shrish Kumar Misra, AOR

Mrs. Kirti Renu Mishra, AOR

Mr. S.N. Bhat, AOR

Mr. S. Thananjayan, AOR

Mr. V. Balachandran, AOR

Mr. Vikas Mehta, AOR

Mr. Vishwajit Singh, AOR

Mr. V.N. Raghupathy, AOR

Ms. Anitha Shenoy, AOR

M/s Anuradha & Associates

Ms. Charu Mathur, AOR

M/s Fox Mandal & Co.

Ms. Hemantika Wahni, AOR

Ms. Jesal, Adv.

Ms. Preeti Bhardwaj, Adv.

Ms. Puja Singh, Adv.

Ms. N. Annapoorani, AOR

Ms. Shubhangi Tuli, AOR

Ms. S. Usha Reddy, AOR

Ms. Sushma Suri, AOR

Mr. Mohan Prasad Gupta, Adv.

Mr. R. Balasubramaniam, Adv.

Mr. Santosh Kumar, Adv.

Mr. Pawan Kumar, Adv.

Mr. D.S. Mahra, AOR

Mr. Arjun Harkauli, AOR

Mr. Bimlesh Kumar Singh, AOR

Mr. Rajeev Kumar Gupta, Adv.
Mr. Abhishek Kishor

Mr. Devender Kumar Saini, AAG Haryana
Mr. Sanjay Kumar Visen, AOR

Mr. S.K. Arora, AOR

Mr. Himanshu Gupta, AOR

Mr. Abhinav Mukerji, AOR

Mr. Gopal Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

In pursuance of our earlier order dated 08.01.2015, the University Grants Commission (UGC) has carried out the physical inspection in respect of eight universities. In respect of seven universities, namely, (I) Bharath Institute of Higher Education & Research, Chennai; (ii) Academy of Maritime Education & Training, Chennai; (iii) Ponnaiah Ramajayam Institute of Science & Technology, Thanjavur, Tamil Nadu; (iv) Maharshi Markandeshwar University, Mullana, Ambala, Haryana; (v) Manav Rachna International University, Faridabad; (vi) Vinayaka Mission's Research Foundation, Salem, Tamil Nadu; and (vii) Institute of Advanced Studies in Education, Sardarshahr, Churu, Rajasthan, the UGC has found as follows :

"The Commission examined the Reports of the UGC Expert Committee and observed number of deficiencies in these institutions Deemed to be Universities inspected by the Committee. The Commission also noted observations of Joint Secretary (Higher Education), MHRD. The Commission noted that despite lapse of several years, these institutions have not yet rectified their shortcomings. The Commission after due deliberations resolved that the Report of the Expert Committee should be examined by the Bureau in order to identify the major deficiencies which shall subsequently be communicated to the MHRD, seven Institutions Deemed to be universities and also to the Hon'ble Supreme Court of India. After detailed deliberations, the Commission decided to give them the final opportunity to rectify their deficiencies within a maximum period of one year and submit the compliance report to the UGC within this period, failing

which recommendations will be made to the MHRD for denotification of Deemed to be Universities status"

As far as the eighth university, namely, Gurukula Kangri Vishwavidyalaya, Haridwar is concerned, the following is the resolution :

"Considered and approved that the Report of Gurukul Kangri Vishwavidyalaya, Haridwar be sent to the MHRD and to the Hon'ble Supreme Court of India."

It is submitted by Mr. Maninder Singh, learned senior counsel, that Gurukula Kangri Vishwavidyalaya, Haridwar has number of deficiencies which have been enumerated in the affidavit filed on 16.02.2015. Learned counsel appearing for the Universities prays for three weeks time to file reply to the same. The prayer stands allowed.

As far as seven universities are concerned, learned counsel appearing for them are also granted three weeks time to file their reply to the same.

At this juncture, Mr. Tushar Mehta, learned Additional Solicitor General submitted that the Union of India has taken a decision to lay down the criteria for having the inputs from all India Council for Technical Education (AICTE), National Board of Accreditation (NBA), National Assessment and Accreditation Council (NAAC) and University Grants Commission (UGC) and would finalise the same within three month's time. At this juncture, Dr. Rajeev Dhawan, learned senior counsel appearing for some of the Universities, submitted that if the Central Government intends to frame any guidelines or set out any criteria, it has to do it through a set of regulations and not by executive decision. Mr. Tushar Mehta, learned Additional Solicitor General, shall reply to the said argument.

We have also been apprised by Dr. Dhawan and Mr. Vikash Singh, learned senior counsel representing some of the universities who come within the rest of 33 (as the total number of universities is 41), that they were inspected by the UGC sometime in the year 2009-2010 and the UGC had sent a report to the Central Government to take a decision. It is urged by them that the Central Government is under obligation to take a decision on the basis of the report. The UGC report is not on record. Be it noted, on the previous occasion, we had directed the Central Government to take a decision on the said report in respect of the other thirty-three universities and at that point of time to produce the report.

Mr. Maninder Singh, learned senior counsel, submits that he

will file the decision taken by the Union of India along with the inspection report within three weeks hence.

At this juncture, we have been apprised by Mr. Maninider Singh, learned senior counsel that every deemed university has to be verified within a span of five years. Learned senior counsel appearing for the universities submitted that they have no objection for regular physical verification.

We will be failing in our duty, if we do not take a submission conversed by Dr. Dhawan and Mr. Singh on behalf of the universities, that the disability that has been stamped on the universities should be removed. To elaborate, the disability is that on the basis of "Tandon Committee Report", they have been categorized in the 'C' category of the universities though some of them have been put in the compartment of category 'A' as per NAAC. It is submitted by them that it is the NAAC which is the only agency to grant accreditation. All these aspects shall be adverted to after the decision of the Central Government is brought on record within the time stipulated hereinabove.

The respondents are at liberty to file their reply to the affidavit filed by the Union of India within two weeks therefrom. As the matter has been prolonged for long, we direct the Union of India to take a decision within the time frame fixed by us and file the same before the Court.

Let the matter be listed at 2.00 p.m. on 06.04.2015.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master