

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19615/2013

(From the judgement and order dated 10/05/2013 in WP No. 4500/2013 of The HIGH COURT OF JUDICATURE AT BOMBAY)

K.C. COLLEGE OF ENG. & MG. STUDIES & R. Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECH.EDU & ANR. Respondent(s)

(With application for permission to place additional documents on record, prayer for interim relief and office report)

Date: 06/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK  
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Vasuman Khandelwal, Adv.  
Ms. Gaurav Agrawal, Adv.

For Respondent(s) Mr. Amitsh Kumar, Adv.  
Mr. Gopal Singh, Adv.  
Mr. Raghav ranjan Pathak, Adv.

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

Heard learned counsel for the parties.

The AICTE had placed the petitioner-institution in "No Admission" Category for the academic session 2013-2014 on account of some deficiencies. The petitioner filed Writ Petition No. 4500 of 2013 for appropriate reliefs including the interim relief of staying the order passed by the AICTE putting the petitioner in "No admission" category. The High Court, however, refused to grant interim relief to the petitioners by the impugned order dated 10th May, 2013.

Aggrieved, the petitioner has filed this Special Leave petition and on 4th July, 2013, we had passed the following order:

"Pursuant to our order dated 27th June, 2013, the AICTE has deputed a team of experts to inspect the institution of the petitioner and has filed the report.

We have perused the report dated 1st July, 2013 of the team of experts of AICTE from which it appears that the deficiencies in the College after inspection have been found to be 'nil'.

Learned counsel for the AICTE has, however, produced the report of Ms. Ushajee Perry, Advocate, who was a part of the Expert Visiting Committee and has pointed out some deficiencies with regard to the land in occupation of the petitioner-institution. The aforesaid report of Ms. Ushajee Perry shall be considered later on.

For the time being, considering the report of the Expert Committee dated 1st July, 2013, we direct that the order of the AICTE deciding to put the petitioner-

institution under "No Admission category" in regard to the academic session 2013-2014 impugned before the High Court shall remain stayed.

Affidavit be filed by the AICTE incorporating the aforesaid report of Ms. Ushajee Perry and all other materials relevant for deciding the case within two weeks.

Reply, if any, be filed within two weeks thereafter.

List the matter after four weeks."

It will be clear from the aforesaid order that after considering the report of the Expert Committee dated 1st July, 2013, this Court directed that the decision of the AICTE to put the petitioner in "No admission" category in regard to the academic session 2013-2014 shall remain stayed.

Pursuant to the said interim order, we are told that admissions have taken place in the petitioner-institution for the academic session 2013-2014. The AICTE has brought before us various other deficiencies in the petitioner-institution. Since the writ petition is pending before the High Court it will be more appropriate for the High Court to consider the case of the petitioner as well as of the AICTE.

We, therefore, dispose of this Special Leave Petition leaving it open to the High Court to consider the case of both the parties on own merits without being influenced by the observations made by us in our order dated 4th July, 2013.

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER