

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO(s). 415 OF 2013

JIND INST. OF ENGINEERING & TECHNOLOGY Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION Respondent(s)

ORDER

We have heard Mr. Ratnakar Das, learned senior counsel appearing for the petitioner institute and Mr. Amitesh Kumar, learned counsel appearing for the respondent.

We find that in Civil Writ Petition No. 9844 of 2012, a learned Single Judge of the High Court of Punjab & Haryana had issued a direction to the All India Council for Technical Education (A.I.C.T.E.) on 9th April, 2013 to process the approval of the petitioner institute for the academic session 2013-14. The A.I.C.T.E. then filed Review Application No. 175 of 2013 before the learned Single Judge but by order dated 27th May, 2013 the learned Single Judge dismissed the Review Application and granted interim directions in favour of the petitioner-institute for the academic sessions 2013-14 on the same terms as had been granted on 23rd May, 2012 in relation to the provisions of academic session 2012-13.

By the order dated 23rd May, 2012, the learned Single Judge had directed that subject to the outcome, the respondents in the writ petition will provisionally display the name of the petitioner-college on the list of colleges where admissions are permissible, but by putting a note on the website that such consideration and admission of students for the academic session 2012-13 would be subject to the result of the writ petition and the students admitted would remain at their risk and responsibility and they would not be entitled to claim equity at the final hearing of the petition.

We also find that by a letter dated 21st June 2013, the A.I.C.T.E. had rejected the application for approval of the petitioner institute for the academic sessions 2013-14 on the basis of the EVC report dated 27th April, 2013 which pointed out the following deficiencies:

1. Copy of the advertisement not published in at least one National Daily for recruitment of Principal/Director and faculty members.
2. Barrier free environment and toilets created for physically challenged (Ramp or working lift etc.) not available.

3. National Journals, shortage of required number of journals
4. Library Management Software not ready / not accepted

Despite the said rejection, a request was made before this Court by the A.I.C.T.E. on 18th July, 2013, perhaps inadvertently, that the petitioner be asked to appear before the A.I.C.T.E. for the hearing on the deficiencies and accordingly this Court had directed A.I.C.T.E. to pass final orders for approval by 23rd July, 2013.

Considering the fact that the application of the petitioner-institute for the approval for the academic session 2013-14 had already been rejected by the A.I.C.T.E. by its letter dated 21st June, 2013, such a request for the hearing of the petitioner on the deficiencies could not have been made before this Court by the A.I.C.T.E. on 18th July, 2013. The aforesaid deficiencies are also not of such a serious nature as to affect the functioning of the technical institution.

We, therefore, direct the A.I.C.T.E. to forthwith grant approval to the petitioner-institute for the academic session 2013-14 and the petitioner-institute be allowed to participate in the admissions for the academic year 2013-14 as directed in the order passed by the learned Single Judge of the High Court. The learned Single Judge of the High Court will consider whether the aforesaid deficiencies exist and if they exist whether the deficiencies need to be removed while deciding the matters pending before him.

We make it clear that despite what we have directed in this case, the High Court will not deviate from the directions given by this Court in Parshvanath Charitable Trust & Ors. Vs. All India Council for Technical Education & Ors. (2013) 3 SCC 385.

The writ petition is accordingly allowed.

.....J.
(A.K. PATNAIK)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI,
JULY 24, 2013

ITEM NO.2

COURT NO.6

SECTION X

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

WRIT PETITION (CIVIL) NO(s). 415 OF 2013

JIND INST. OF ENGINEERING & TECHNOLOGY

Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDN. Respondent(s)
(With appln(s) for directions, permission to file additional
documents and office report)

Date: 24/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Ratnakar Das, Sr. Adv.
Mr. Sandeep Bisht, Adv.
Mr. Ranjan Kumar Pandey, Adv.

For Respondent(s) Mr. Amitesh Kumar, Adv.
Ms. Anjani Kr. Dubey, Adv.

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

The Writ Petition is allowed in terms of the signed order.

| (G. SUDHAKARA RAO) | | (SHARDA KAPOOR) |
| COURT MASTER | | COURT MASTER |

(SIGNED ORDER IS PLACED ON THE FILE)