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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on : 20.05.2013

Decided on : 30.05.2013

+ **W.P.(C) 4630/2007**

INDIAN INSTITUTE OF PLANNING AND MANAGEMENT AND  
ANR .... Petitioners

Through Mr.Maninder Singh, Sr.Adv. and  
Mr.Raman Kapur, Sr.Adv. with  
Mr.Amit Sharma, Mr.Gursharan  
Singh and Mr,Praveen Nagar, Adv.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION AND  
ANR. .... Respondents

Through Mr.Amitesh Kumar, Adv. for AICTE/  
R-1  
Mr.Arjun Mitra, Adv. for R-3

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**JAYANT NATH, J.**

1. The present writ petition is filed by the Petitioner Indian Institute of Planning & Management seeking a writ of certiorari or any other appropriate writ, order or direction for setting aside the show cause notices dated 08.12.2005, 09.12.2005 and 09.03.2007 and the communication dated 20.06.2007. The writ petition also seeks a writ of mandamus or appropriate writ against the respondent to delete the name of the petitioner from the list of unapproved institutions running technical programme without AICTE

approval. It is the contention of the petitioner that it is a society registered under the Societies Registration Act. It is contended that the petitioner is engaged in conducting planning and entrepreneurship courses – a non-professional and non-technical course from its seven study centres situated all over India. The Courses being conducted are certificate courses and on completion of the course, a certificate is awarded to the students and no diploma or degree in Management (i.e. BBA or MBA) is awarded by the petitioner. It is contended that these courses do not require any approval of respondent AICTE. The petitioner claims that it has been conducting these courses since 1973-74.

2. On 23.01.2004, the respondent AICTE issued a show cause notice to the petitioner alleging that no institution is permitted to conduct courses in the field of technical education without prior permission of AICTE. Hence, the petitioner was directed to show cause as to why action be not taken for not getting itself and the courses approved from the AICTE.

3. On 09.02.2004, AICTE after being satisfied with the reply of the petitioner held that no further action is required regarding the allegations of conducting unapproved courses. On 09.12.2005 again it is contended that a show cause notice with identical allegations was issued completely ignoring the earlier show cause notice and its decision. However, no order was passed subsequent to the show cause notice, though a detailed reply was submitted by the petitioner. On 09.03.2007, the respondent issued third show cause notice on the same grounds and also published the name of the petitioner on the website of AICTE in the list of unapproved institutions conducting courses in the field of technical education and with foreign collaboration without approval from AICTE. The said act of respondent it is contended

virtually amounted to passing of an order without proper hearing and appropriate reasoned order.

4. Despite protest of the petitioner, the AICTE on 20.06.2007 issued a communication directing the petitioner to defer any fresh admissions till the petitioner obtains the approval from AICTE. Hence the writ petition vide order dated 27.06.2007, communication dated 20.06.2007 was stayed.

5. On 15.03.2013 when this matter came up for hearing, this Court noted that there was some controversy in respect of some communication dated 20.06.2007 as to whether it was a show cause notice or a final order. This Court further observed that in view of the interim order of stay passed by this Court, AICTE could not pass final orders pursuant to show cause notice dated 20.06.2007. Hence, this Court vacated the interim order and directed AICTE to pass a final order pursuant to the above show cause notice including communication dated 20.06.2007.

6. Learned counsel for the respondent has placed on record an order dated 26.04.2013. The order concludes as follows:

“In conclusion, the committee was of the view that the justification/clarification submitted by IIPM is not acceptable due to the reasons mentioned above and as such the programmes/activities being run by them are clearly an attempt to offer MBA Programmes by bypassing the statutory requirement of seeking prior approval of AICTE stipulated under the AICTE Act. Under these circumstances AICTE is advised to continue displaying IIPMs’ name in the list of unapproved institutions displayed on the AICTE website.

The above recommendation of the Hearing Committee has been approved by the competent authority of AICTE. Therefore, the name of your institution i.e., **Indian Institute of Planning & Management IIPM Tower, B-27, Qutab**

**Institutional Area, New Delhi 110016** has been retained in the list of unapproved institutions posted at AICTE web-site.”

7. Learned counsel appearing for the petitioner relies on latest judgment of the Hon’ble Supreme Court in the case of Association of Management of Private Colleges v. All India Council for Technical Education and Ors, Civil Appeal No. 1145 of 2004 where the Hon’ble Supreme Court in para 43 has held as under:

“As per definition of ‘technical education’ under Section 2(g) of the AICTE Act and non production of any material by the AICTE to show that MBA course is a technical education, we hold that MBA course is not a technical course within the definition of the AICTE Act and in so far as reasons assigned for MCA course being ‘technical education’, the same does not hold for MBA course. Therefore, for the reasons assigned while answering the points which are framed in so far as the MCA course is concerned, the approval from the AICTE is not required for obtaining permission and running MBA course by the appellant colleges”

Hence, the counsel for the petitioner contends that the respondent AICTE has no jurisdiction over the Petition.

8. On a query from this Court as to whether any issue survives in view of the above noted judgment of the Supreme Court, the learned counsel for the respondent states that the respondent AICTE is planning to file a Review against the aforesaid judgment of the Supreme Court. It is further contended that even if AICTE has no jurisdiction to control the MBA courses, the University Grants Commission would still be empowered to control the said courses.

9. We do not see any merits in the submission of learned counsel for the respondent. In view of the judgment of the Hon'ble Supreme Court in the case of Association of Management of Private Colleges (Supra), clearly AICTE is not concerned with the courses run by the petitioner. As per the findings recorded by the respondent, the petitioner is said to be running MBA and BBA courses. Hence AICTE would have no jurisdiction.

10. In view of the above, we quash the notices dated 08.12.2005, 09.12.2005 and 09.03.2007 and the communication dated 20.06.2007. The petition is disposed of accordingly.

**JAYANT NATH, J.**

**CHIEF JUSTICE**

**May 30, 2013**

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