

Court No. - 10

Case :- WRIT - C No. - 33245 of 2023

Petitioner :- Saraswati Higher Education And Technical College
Of Engineering

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sanjay Kumar Singh

Counsel for Respondent :- C.S.C., Rohit Pandey

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Sanjay Kumar Singh, learned counsel for the petitioner, learned Standing Counsel for State-respondent No. 1 and Shri Rohit Pandey, learned counsel for the respondent No.3.

2. The present writ petition has been filed claiming the following reliefs:

"(A) Issue a writ, order or direction in the nature of Mandamus directing the respondent No. 3 to grant affiliation of Computer Science and Engineering (Artificial Intelligence and Machine Learning) for the session 2023-24 and also permit the institution to run faculty and also permit student to lock choice for round 1 for course Computer Science and Engineering (Artificial Intelligence and Machine Learning) in the petitioner's institution, otherwise petitioner shall suffer irreparable loss and injury.

(B). Issue a writ, order of direction in the nature of interim Mandamus directing the respondent No. 3 to decide the application dated 16.09.2023 of petitioner within a reasonable time as fixed by this Hon'ble Court, during the pendency of present writ petition before this Hon'ble Court, otherwise petitioner shall suffer irreparable loss and injury."

3. The submission of learned counsel for the petitioner is that though the requisite approval was granted to the aforesaid course by All India Council for Technical Education, and further requisite inspection activity was carried out by the University also, till today the matter has been kept pending by the University and, therefore, the Institution as well as the students are suffering.

4. Shri Rohit Pandey, learned counsel for the respondent No.3, University has, on the basis of instructions received, submitted that

the petitioner Institution is running different courses and insofar as present case is concerned, affiliation was sought in relation to Computer Science and Engineering (Artificial Intelligence & Machine Learning) and the matter was analyzed by the concerned affiliation Committee and the recommendation has gone against the petitioner. He has produced instructions, which are taken on record.

5. The Court finds that except the recital that recommendation to start a new course has been declined, no reason has been assigned.

6. In this background of facts, Shri Pandey submits that respondent No. 3 may be directed to serve a copy of recommendation only in relation to the petitioner-Institution so that the petitioner may be aware of the reasons declining its request and in case, certain steps have to be taken by the petitioner for removal of defects pointed out by the concerned affiliation Committee, the petitioner may be set at liberty to take those steps.

7. The writ petition stands **disposed of** in the following terms:

(i) The Registrar of Dr. A.P.J. Abdul Kalam Technical University, Lucknow, in the month of **November, 2023** itself, shall serve a copy of recommendation made by the concerned affiliation Committee against the petitioner.

(ii) In case, the petitioner is inclined to take steps in furtherance of communication so made, it shall take appropriate steps and submit report/documents before the Registrar and the Registrar of the University shall take a decision thereon in accordance with law expeditiously.

(iii) The aforesaid directions shall be read in the light of time limit/cut off fixed by the Apex Court in the case of ***Parshvanath Charitable Trust vs All India Council of Technical Education*** (M.A. No. 1658 of 2021 in C.A. No. 9048 of 2012).

(iv) The petitioner may file self-attested copy of this order before the respondent No.3 for necessary compliance within **two weeks**.

Order Date :- 8.11.2023

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