

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6391 of 2015

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1. Smile A Registered Society Of Its Head Office 302 Maya Enclave, Road No.10 Patel Nagar, Patna - 20 through its Secretary Sri Amit Kumar.
2. Amit Kumar. S/o Vinod Kumar Singh, 302 Maya Enclave, Road No.10 Patel Nagar, Patna - 20.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Human Resources Development Department, Government of India, New Delhi.
2. The Chairman, All India Council for Technical Education, New Delhi - 3.
3. Northern Regional Officer, All India Council for Technical Education, Kanpur.
4. Standing Appellate Committee, New Delhi through its Chairman.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh

For the Respondent/s : Mr. M. M. Sina (For A.I.C.T.E.)
Mr. Tuhin Shankar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 06-11-2015

06.11.2015 Heard learned senior counsel for the petitioner
and counsel representing the A.I.C.T.E.

Petitioner is a registered society, which has set up a technical institution in a village called Sirsa Biren at Lalganj, in the district of Vaishal. The aim and object for the society is to set up a polytechnic institution and in this regard, they have taken various steps to put up the infrastructure and facilities.

As mandated under law since the approval of A.I.C.T.E. is required to be taken for recognition before affiliation, in the proper format an application was filed



before the authorities of A.I.C.T.E. From time to time certain inadequacies were pointed out and the petitioner removed those inadequacies and shortfall, as would be evident from the various annexures, annexed with the writ application. Still the respondent-authorities were not willing to grant recognition and permission, therefore, the matter traveled before the Standing Appellate Committee. The order of the Appellate Committee is dated 13.04.2015 and annexed as Annexure-1. Petitioner wants quashing of Annexure-1 as well as the direction on this count upon the respondents.

From perusal of Annexure-8, it is evident that eight issues arose before the Appellate Committee. Out of the eight issues, Issue Nos. 1, 2, 6 and 7 does not remain an issue because documents in this regard submitted by the petitioner have been accepted by the Committee.

However, they have raised certain objections with regard to Issue No. 3, where they feel that the document submitted do not match with the survey numbers of the land and whether it is contiguous or not.

Learned senior counsel for the petitioner through the evidence, contained in Annexure-6, demonstrated that there is a certificate of the revenue

authorities and that should be accepted as final certification in this regard. They are willing to satisfy the authorities on any misgivings, provided opportunity is given to the petitioner or its representative to explain things.

So far as Issue No. 4 is concerned, it is certified that since the institution is coming up in a village, where there are no municipal laws and building bye-laws, which are in operation, therefore, Issue No. 4 should be ignored.

So far as Issue No. 5, i.e., the certification of an Advocate is concerned, it is not evident as to what is not proper, because the format, which has been utilized for certification, obviously, there is some minor defect, which has been noticed by the Committee, the same is noticeable by the Court, as such. Therefore, even this aspect can be looked into and removed, provided an opportunity is given by the Appellate Committee.

Issue No. 8 is similar to Issue No. 4, since there is no municipal law applicable to that area. Any details or certification with regard to FSI or FAR are not required.

In view of the above observations, the impugned order, contained in Annexure-1, dated



13.04.2015 stands quashed. Matter is remanded back for reconsideration. The Committee is directed to give an opportunity of hearing to the petitioner and the petitioner will ensure that the shortfalls, which are minor in nature, if at all, should be taken care of, so that an early decision on the issue of recognition and permission can be taken and the petitioner can draw advantage of taking admission and running the institution before the next academic year begins.

The Committee would be well advised to take an early decision by fixing a date with due communication to the petitioner for him to respond.

The writ application stands allowed in terms of above.

(Ajay Kumar Tripathi, J.)

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