

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WA.No. 1361 of 2015 () IN WP(C).13969/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 13969/2015 of HIGH COURT OF KERALA
DATED 11/6/2015**

APPELLANTS/RESPONDENTS:-:

- 1. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
7TH FLOOR, CHANDERLOK BUILDING, JANPATH
NEW DELHI - 110 001
REPRESENTED BY THE MEMBER SECRETARY.**
- 2. THE APPELLATE COMMITTEE
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION, 7TH FLOOR
CHANDERLOK BUILDING, JANPATH, NEW DELHI - 110 001.**
- 3. THE REGIONAL DIRECTOR
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
REGIONAL OFFICE, THIRUVANANTHAPURAM - 695 001.**

BY ADV. SRI.S.KRISHNAMURTHY,SC, AICTE

RESPONDENT(S)/PETITIONER:-:

**IRINJALAKUDA DIOCESAAN EDUCATIONAL TRUST
KODAKARA, THRISSUR - 680 121
REPRESENTED BY THE ASSOCIATE DIRECTOR
SAHRDAYA COLLEGE OF ADVANCED STUDIES.**

BY SRI.GEORGE POONTHOTTAM

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WA NO.1361/15

APPENDIX

APPELLANTS' EXHIBITS

ANNEXURE A1: TRUE COPIES OF THE ORDER IN WPC NO.415/2013 DT 24.7.2013 OF THIS HON'BLE COURT.

ANNEXURE A2: TRUE COPY OF ORDER IN WPC NO.380/2013 DATED 18.7.2013 OF THIS HON'BLE COURT.

ANNEXURE A3: TRUE COPY OF ORDER IN WPC 514/2013 DATED 26.7.2013 OF THIS HON'BLE COURT.

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 1361 of 2015

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Dated this, the 22nd day of July, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard. This writ appeal has been filed against judgment dated 11/6/2015, by which the learned Single Judge has set aside Exts.P5 and P11, by which Appellate Committee decided to refuse permission for the writ petitioner institution for the current academic year. Learned Single Judge by the above judgment has issued direction in para 21, which is quoted as below;

“21. The only consequence, hence, is the setting aside of Exhibits P5 and P11. The AICTE shall constitute a SAC within two weeks from the date of receipt of a copy of this judgment and the EVC report at Exhibit P4 shall be considered afresh, keeping in mind the observations made herein. This Court has directed constitution of the SAC with such expedition only noticing that the last date for commencement of the academic session is 1st August and the last date of admission of students is 15th August”.

2. Learned counsel for the appellants submits that after the decision of the learned Single Judge, the Appellate Committee

was constituted on 15/7/2015 which has considered and opined that matter be referred to the Scrutiny Committee.

3. Be that as it may, actions subsequent to the judgment of the learned Single Judge need not be gone into in this writ appeal. Such decision and actions are required to be considered as and when any such occasion arises.

4. In so far as the impugned judgment of the learned Single Judge is concerned, learned Single Judge has given cogent reasons for setting aside the orders of the Appellate Committee and directing for reconsideration of the issue in which we do not find any infirmity. Learned counsel for the appellants submits that in view of the judgment of the Supreme Court in ***Parshavanath Charitable Trust and Ors. v. All India Council For Technical Education & Ors.*** [(2013) 3 SCC 385], the appellants may not be in a position to grant permission for the academic session even if any recommendation is made. We are not required to express any opinion on the said submission in the present appeal where the learned Single Judge has directed reconsideration of the issue by the Appellate Committee. Thus, we are of the view that no exception can be taken to the

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-:3:-

judgment of the learned Single Judge directing for reconsideration by the Appellate Committee.

Writ appeal is hence closed. Learned counsel for the appellants lastly submitted that time for taking a decision be extended till 31st July, 2015. The prayer is accepted. Let the decision be taken by 31st July, 2015.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge