

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

**WRIT PETITION NO. 21867 OF 2015**

Between:

The Regional Joint Director  
Technical Education Department,  
7<sup>th</sup> Floor, Gagan Vihar Complex,  
Nampally, Hyderabad & Ors.

...

Petitioners

V/s.

All India Council for Technical Education  
Represented by its Chairman,  
Chandralok Building,  
Janpath, New Delhi & Anr.

...

Respondents

DATE OF JUDGMENT PRONOUNCED : 21/07/2015

SUBMITTED FOR APPROVAL

HONOURABLE SRI JUSTICE A.V. SESA SAI

1. Whether Reports of Local Newspapers  
May be allowed to see the judgment ?

Yes/No

2. Whether the copies of judgment may be

Marked to Law Reporters/Journals Yes/No

3. Whether his Lordship wish to see the fair  
Copy of the judgment ? Yes/No

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

TUESDAY THE TWENTYFIRST DAY OF JULY  
TWO THOUSAND AND FIFTEEN

PRESENT  
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 21867 OF 2015

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... Petitioners

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All India Council for Technical Education  
Represented by its Chairman,  
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... Respondents

Counsel for the Petitioners:

Govt.Pleader for Education  
High Court Buildings,  
Hyderabad

Counsel for the Respondents:

Sri K. Ramakanth Reddy

The Court made the following:

[order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 21867 OF 2015

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O R D E R :

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This writ petition is filed under Article 226 of the

Constitution of India for the following relief :

To declare the action of respondents in rejecting the approval by proceedings 1. South-Central/2015/1-2493182031 – LOR and Proceedings No. South – Central/2015/1-2502767381-LOR dated 30/04/2015 is wholly illegal, arbitrary and amounts to non-application of mind and consequently to set aside the same by directing the respondents to grant approval to the second and third petitioner colleges and permit the petitioner colleges to make admissions for the academic year 2015-16 and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.

2. Heard the learned Government Pleader for Education for petitioners and Sri K. Ramakanth Reddy, learned standing counsel for the respondents.

3. According to the petitioners, on the proposals submitted

by the Commissioner of Technical Education, erstwhile State of Andhra Pradesh, Hyderabad, the Government accepted the proposals and accorded administrative sanction to start a Government Polytechnic College at Nagarjunasagar, Nalgonda district and Government Polytechnic, Cheriyal at Warangal district subject to obtaining approval of A.I.C.T.E. New Delhi vide G.O.Ms.No. 18, dated 20/03/2013 and G.O.Ms.No. 46 dated 19/07/2012 respectively. The State Government issued G.O.Rt.No.838 dated 24/10/2013, sanctioning the amount for construction of permanent buildings and procurement of furniture and equipment for total 13 new Government Polytechnics in the erstwhile State of Andhra Pradesh. Out of 13 sanctioned Colleges, 7 Colleges are allotted to Telangana Region by the then Government of Andhra Pradesh. Out of 7 Colleges, 5 Colleges have been accorded permission by A.I.C.T.E. for starting colleges during academic year 2014-15 and the remaining 2 Colleges i.e., Government College for Nagarjunasagar and Government Polytechnic for Cheriyal were not accorded permission by A.I.C.T.E. for the academic year 2014-15 on the ground that buildings have not been constructed. It is stated that now

construction of buildings has been completed.

4. In response to a notification issued by the first respondent, A.I.C.T.E. on 21/01/2015, calling for applications for establishment of new polytechnics for the academic year 2015-16, the petitioners 2 and 3 uploaded online applications to A.I.C.T.E. web portal on 28/02/2015 and 24/02/2015 respectively before the stipulated time. It is further pleaded that after receipt of the applications, first respondent sent mail dated 03/03/2015, asking the petitioners to attend before the Scrutiny Committee on 03/03/2015 and the Authorised Officer of second and third petitioners appeared before the Scrutiny Committee on 08/03/2015 and submitted all necessary documents as per the norms prescribed by the A.I.C.T.E. Subsequently the first respondent sent a mail dated 9/03/2015 for re-scrutiny of documents by pointing out some deficiencies. According to the petitioner 2 and 3, they attended before the Re-Scrutiny Committee and submitted necessary documents on 14/03/2015. Thereafter, the first respondent referred the matter to the Standing Appellate Committee and directed the petitioners through mail to appear before the Appellate Committee on 15/04/2015 and petitioners 2

and 3 appeared before the Appellate Committee and apprised the Committee that Colleges are established/fully completed with the infrastructure etc., strictly following the norms of A.I.C.T.E. applicable to Government Polytechnics and informed that other deficiencies pointed out by the Committee are not applicable to the petitioners-Colleges. Thereafter, the first respondent vide Proceedings No.1 South-Central/2015/1-2493182031-LOR and Proceedings No.South-Central/2015/1-2502767381-LOR dated 30/04/2015 rejected the approval for establishment of Government Polytechnic Colleges at Nagarjunasagar and Cheriya with the following objections:

*“Certificate 1 issued by an advocate not presented. Certificate site plan of proposed technical institute prepared by an Architect registered with Council of Architect [COA] and any duly approved by the Competent plan sanctioning authority. [Not presented] 4 of sub-Divisional Magistrate or Collector or Tahsildar not presented, Complete Building plan of proposed technical institute prepared by an Architect registered with Council of Architect [COA] Floor plans sections and elevations of all proposed/existing buildings exclusively intended for use for the proposed campus at the permanent site not presented. Para-wise plan of construction to achieve total carpet and built up area as required to conduct of all applied/existing courses from the first to final year. This shall be certificate by architect registered with the COA. Certificate 2 issued by an architect regarding approved building plans not presented, Total Built-Up Area approved as per approved plan not presented, Total Built up area required as per applied intake not presented.”*

5. In the present writ petition, it is contended by the Government Pleader, while referring to the deficiencies pointed by the A.I.C.T.E. in the impugned proceedings, that the Government allotted site for the establishment of the Colleges and as the certificate of registration of land is not required and the building is constructed in the Government land, the question of production of certificate of Advocate regarding the particulars of document number and registration number would not arise. It is also the submission of the learned Government Pleader that the Government Buildings are constructed as per the plan prepared by Architect, who is registered with Council of Architecture. It is also the submission of Government Pleader that construction of building is entrusted to A.P. Educational Infrastructure Corporation specially incorporated for providing infrastructural facilities to the Educational Institutions. The said Corporation is headed by an well-experienced Chief Engineer and supported by other qualified and experienced Civil Engineers. The Buildings are constructed as per the approved plan and the same are submitted to the first respondent at the time of scrutiny of documents. It is also the submission of learned Government Pleader that the entire

construction of the petitioner building is completed in a single phase to accommodate the intake of students from first to final year. Eventually the submission of Government Pleader is that the action of the first respondent in rejecting the approval is highly unsustainable and illegal.

6. On the contrary, Sri K.Ramakanth Reddy, the learned Standing Counsel submits that there is no illegality in the impugned proceedings and the action taken by the respondents is in conformity with the provisions under the All India Council for Technical Education [Grant of Approvals for Technical Institutions] Regulations 2012 notified by the Council vide notification number F-No.37-3/Legal/2012 dated 27/09/2012 and other notifications, as applicable from time to time.

7. The petitioners in the present writ petition are the Government institutions and while pointing out deficiencies by the respondents A.I.C.T.E. a number of submissions are made by the Government Pleader contending that the deficiencies pointed out are not sustainable. In the considered opinion of this Court, the same aspects can be submitted before the A.I.C.T.E. by way of filing a representation.

8. In the facts and circumstances, this Court is of the considered view that the ends of justice would be met if the petitioners are permitted to make a necessary representation before the first respondent herein submitting all the issues that have been averred in the present writ petition. If any such representation is made by the petitioners, the same may be considered by the A.I.C.T.E. and appropriate orders be passed.

9. For the aforesaid reasons, the writ petition is disposed of, permitting the petitioners herein to submit a representation to the respondents – A.I.C.T.E. within one week pointing out all the aspects that have been averred in the present writ petition and if any such representation is made, the same may be considered and appropriate orders be passed by the A.I.C.T.E. in accordance with law, within two weeks from the date of receipt of such representation as per Regulations. No costs.

10. As a sequel, miscellaneous petition if any, pending in this writ petition shall stand closed.

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JUSTICE A.V.SESHA SAI

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