

**THE HON'BLE THE ACTING CHIEF JUSTICE SRI DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

**WRIT APPEAL No.605, 653, 657, 665, 692, 662, 669, 684,
651 & 638 OF 2015**

COMMON JUDGMENT: (per Hon'ble The Acting Chief Justice Dilip B.Bhosale)

These ten Writ Appeals, filed by Jawaharlal Nehru Technological University (for short, 'the University'), are directed against the common order dated 07.07.2015, whereby about 110 writ petitions, filed by different institutions/colleges imparting technical education, have been disposed of. In all the writ petitions, basically, the petitioners-institutions/colleges sought *Writ of Mandamus* declaring the action of the University rejecting affiliation and communicating deficiencies for running different courses in B.Tech and M.Tech degree courses, as illegal, arbitrary and unconstitutional.

2. Writ Petitions were disposed of issuing certain directions to All India Council for Technical Education (for short, 'AICTE') established under the provisions of All India Council for Technical Education Act, 1987 (for short, 'AICTE Act') and to the University established under the provisions of Jawaharlal Nehru Technological University Act, 2008 (for short, "JNTU Act"). We propose to make specific reference to those directions little later.

3. It would be relevant to notice the background against which the writ petitions were filed by different institutes/colleges including the writ petitions from which the instant writ appeals arise. All colleges, imparting technical education in B.Tech and M.Tech. courses, were granted recognition/approval by the AICTE. The University, however, rejected affiliation for the academic year 2015-16 to these colleges, totally or in respect of some courses. The last

date for granting or refusing approval by the University was 15.5.2015. Admittedly, the admission schedule, as set out by the Supreme Court in ***Parshvanath Charitable Trust v. All India Council for Technical Education***^[1], with regard to the procedure for grant of approval/recognition by AICTE and affiliation by the University, was not adhered to and the University fixed the last date for receipt of application for affiliation as 7.5.2015 with another period of nearly 45 days for completion of affiliation process as per its regulations. Some of the colleges were intimated of the deficiencies pursuant to the applications made by them for affiliation. All such colleges approached this Court contending that the University followed irregular procedure for refusing affiliation. In the writ petitions, this Court reset the timeframe without violating the deadline fixed for commencement of the academic year, vide order dated 12.6.2015 in W.P.No.14743 of 2015 and batch. The petitioners in those writ petitions, who were communicated with deficiencies, were directed to treat the said communication as an order of rejection of affiliation by the University as per the regulations and they were allowed to file appeals before the Appellate Committee. When that process was going on, some of the institutions approached this Court again and it was revealed that the Institutions, who were communicated with the list of deficiencies, did not invoke the process of filing of appeals. On the other hand, re-verification conducted by the University, according to the petitioners, was contrary to the regulations framed by it and it was contended before this Court that such re-verification was done treating the objections filed to the intimation of deficiencies as an appeal. This Court considered the plea of the institutions and disposed of W.P.No.18332 of 2015 and batch by order dated 25.6.2015 directing the University to upload the reports pursuant to re-verifications and afford an opportunity of

hearing to the affected institutions by the competent appellate authority and take a decision. In respect of large number of colleges, deficiencies were communicated and after considering the objections, affiliation was granted to about 200 colleges. The colleges, to whom affiliation was refused/denied, filed the writ petitions, including the respondent-colleges in the instant ten appeals, under Article 226 of the Constitution of India. Since the affiliation was finally rejected or denied of some courses after undergoing the process of initial consideration by the University and by its Appellate Committee, learned Single Judge considered the scope of power of the University and the norms it can prescribe before granting affiliation to the concerned educational institutions imparting technical education.

4. The main contention urged on behalf of the colleges was that in respect of the field covered by the provisions of AICTE Act, the State Legislature cannot make any law, and any law repugnant to the said law is *nonest* and inoperative as per the law laid down by the Supreme Court in several judgments including ***State of T.N. and another v. Adhiyaman Educational & Research Institute and others***^[2]. It was submitted that duty of the University is to report to AICTE the deficiencies, if any, noticed by them in the course of inspection and it is for AICTE alone to take appropriate decision/action as per its regulations. It was also submitted that the role of University is confined to the field of curriculum, eligibility of students, conduct of examinations, etc., and by looking into those parameters it has to grant affiliation, when the AICTE, which is the regulating body, had accorded approval.

5. On the other hand, on behalf of the University, it was contended that the power of approval is different from the authority to grant affiliation and this distinction was approved by the Supreme

Court in various decisions. It was further submitted that for granting affiliation, University can fix norms and if they are consistent with the norms fixed by the AICTE, University is within its power to reject affiliation if such norms are being violated even after the institution gets approval from the AICTE. In short, it was submitted that the process of granting affiliation by the University is not an automatic process for the institutions/colleges approved by AICTE.

6. In this backdrop, learned Single Judge while dealing with the submissions, as aforementioned, in the batch of writ petitions, considered relevant provisions of the Act and the Regulations, including the legislative powers in Entry-66 of List-I and Entry-11 of List-II of the VII Schedule. The procedure being followed by the AICTE through its scrutiny committee, experts committee and regional committee for granting of recognition/approval was also considered by the learned Single Judge in the batch of writ petitions. It was also noticed that the views of the concerned State Government and the affiliating University need to be considered by the AICTE before granting approval.

7. In the course of hearing of writ petitions, it was specifically pointed out by learned Advocate General that AICTE grants approval based on online applications, without physically verifying and inspecting the colleges with regard to the information furnished by them for continuation of recognition/approval. The University, on the other hand, he submitted that physically inspects the colleges every academic year and if it finds deficiencies refuses affiliation to such colleges. It was also submitted that the University follows same norms as prescribed by the AICTE for granting affiliation by them and whenever they notice violation of the norms, they reject affiliation.

8. To counter this argument, it was submitted on behalf of the

Colleges that the University cannot apply same norms as fixed by the AICTE under its regulations and if the University, during inspection finds any violation of the norms of AICTE, such violations at the most have to be pointed out to the AICTE leaving it to them to take appropriate decision, and that the University, in any case, cannot reject affiliation by referring to alleged deficiencies noticed by them. In short, it was submitted that the area left to the University for fixing norms for affiliation is absolutely limited.

9. Then, learned Single Judge proceeded to consider judgments of the Supreme Court. We would not like to make reference to the judgments, considered by learned single Judge, in depth since the question insofar as these ten appeals are concerned is not the one which learned Single Judge considered namely the scope of power of University and the norms it can prescribe before granting affiliation to the concerned educational institutions imparting technical education or in other words whether the norms prescribed before grant of affiliation by the concerned University can occupy the field covered by the norms prescribed by the AICTE.

10. The question that arises for our consideration, insofar as M.Tech courses are concerned, is 'whether at this stage of the academic year a direction to complete the admission process and hold separate examinations of the students admitted in pursuance thereof can be issued?' In other words 'whether extension of time/schedule of admissions in the Private Unaided AICTE Approved Technical Colleges imparting teaching of technical courses for the academic session 2015-16 can be granted and direct the University to have another schedule of examination for M.Tech courses in the same academic year?' We are framing this question in the light of submissions made by the learned counsel for the parties for our consideration.

11. It would be relevant to have a glance at the judgments of the Supreme Court, referred to in the impugned order, to the extent it is necessary. The Supreme Court in ***Adhiyaman Educational & Research Institute*** (*supra*) considered the question whether the State Government has power to grant or withdraw the permission to start a technical institution as defined in the AICTE Act, after coming into force of the said Act. While answering the question in the negative, the Supreme Court observed that it would be unconstitutional for the State authorities to deny affiliation/approval on the ground that the college is not qualified according to its standards or qualifications, as the case may be, although the college satisfies standards or qualifications laid down by AICTE Act.

12. In ***Jaya Gokul Educational Trust v. Commr. & Secy. to Govt., Higher Education Department***^[3], the Supreme Court after considering its judgments in ***Adhiyaman Educational & Research Institute*** (*supra*) observed that “*the University was also one of the agencies consulted by the council of AICTE under Regulation 8. Once that was over, and approval was granted by the AICTE, if there was any default on the part of the College in compliance with the conditions of approval, the only remedy for the University was to bring those facts to the notice of the AICTE so that the latter could take appropriate action*”. In short, it was held that if fresh facts/deficiencies had come to the notice of the University, it could only place such deficiencies before the AICTE and leave it to them to take appropriate decision.

13. In ***Maa Vaishno Devi Mahila Mahavidyalaya v. State of U.P.***^[4] the Supreme Court observed that “*the concerned*

Department of the State and the affiliating University have a role to play, but it is limited in its application.” It was further observed that “what is most important is that all these authorities have to work ad idem as they have a common object to achieve i.e., of imparting of education properly and ensuring maintenance of proper standards of education, examination and infrastructure for betterment of educational system. Only if all these authorities work in a coordinated manner and with cooperation, will they be able to achieve the very object for which all these entities exist.”

14. It is undoubtedly true that grant of recognition and affiliation to an institution is a condition precedent to running of the courses by the institute. In other words, granting recognition is the basic requirement for grant of affiliation. However, it cannot be said that affiliation is insignificant or a mere formality on the part of the examining body. If either recognition/approval by the AICTE or affiliation by the University is not granted to the institute, it would not be in a position to commence relevant academic courses. We are not unmindful of the fact that where there is a conflict between the provisions of the Central Act and the State Legislation or if the provisions are overlapping, operation of the State legislation such as JNTU Act would become unenforceable in case of technical colleges as observed by the Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya*** (supra).

15. In ***Bhartia Education Society v. State of Himachal Pradesh***^[5] the Supreme Court observed that “*recognition is a condition precedent for affiliation and that the examining body does not have any discretion to refuse affiliation with reference to any of the factors which have been considered by the NCTE while granting recognition.*” It was further observed that “*the examining body can,*

therefore, impose its own requirements in regard to eligibility of students for admission to a course in addition to those prescribed by NCTE. The State Government and the examining body may also regulate the manner of admissions. As a consequence, if there is any irregularity in admissions or violation of the eligibility criteria prescribed by the examining body or any irregularity with reference to any of the matters regulated and governed by the examining body, the examining body may cancel the affiliation irrespective of the fact that the institution continues to enjoy the recognition of the NCTE.”

16. Thus, in the light of the relevant provisions of law and the judgments referred to in the impugned order, the learned Single Judge in paragraph-39 issued the following directions:

“39. In view of the above conclusions, the Writ Petitions are disposed of with the following directions:

(i) the Regulations made by the University fixing norms for grant of ‘affiliation’ to the extent they occupy and overlap the norms prescribed by AICTE for ‘approval’ are held invalid.

(ii) the ‘approved’ institutions which are in existence for the last three years and getting approval and affiliation continuously till 2014-2015, applied for affiliation within time and whose applications were processed for affiliation and before this Court shall be granted ‘provisional affiliation’ till the deficiencies pointed out by the University are verified by the Regional Centre of AICTE and pending that decision, the institutions shall be included in the web counseling. Such ‘provisional affiliation’ shall apply to courses existing as on 2014-2015 also which were denied affiliation now.

(iii) The Regional Centre of AICTE at Hyderabad or AICTE, New Delhi, shall depute its teams of inspection for compliance of the deficiencies pointed out by the University in respect of the concerned institutions as on the date of inspection thoroughly and submit a report to the University, which shall grant final affiliation for the present academic year 2015-2016. The exercise by Regional Centre of AICTE shall be completed on or before 28.07.2015 in order to enable the University to communicate its decision of final affiliation before the start of academic year. The students who choose such institutions under scrutiny shall be informed of the provisional affiliation granted to the institution. In case of ultimate rejection of affiliation of any institution based on the recommendation of AICTE, the University shall relocate the students to other institutions.

(iv) In respect of other institutions, it is open to the JNTUH to verify itself the deficiencies in individual cases and take necessary remedial measures if the institutions approach them on the ground that the deficiencies pointed out were wrongly pointed out or those deficiencies do not exist on ground.

(v) the Executive council of the University shall revise its “regulations for affiliation” in future to be in conformity with this order so as to avoid confusion in future and confine them to the areas pointed out above and more so in Maa Vaishno Devi Mahila Mahavidyalaya’s case (supra). While making such exercise, it should consult the legal experts, academicians and representatives of private colleges and make it public within six months from today so as to avoid future litigation.

(vi) the University shall keep an ‘eye’ on the activities of the institutions within its purview and take necessary action in case of any violation, as the power to grant ‘affiliation’ includes the power to withdraw also. The University cannot be a mute spectator and should express its views at the time when the institutions apply for approval to the AICTE, as such expression would avoid complications at the last minute.

(emphasis supplied)

17. In view of the directions issued in the impugned order, in particular the directions in paragraph 39 (ii), (iii) and (iv), this Court in the instant writ appeals and the other appeals arising from the impugned order, issued certain directions from time to time. It would be relevant to look into the directions issued by consent of learned counsel for the parties. On 15.7.2015 the following order was passed:

“This batch of writ appeals is directed against the order, dated 07.07.2015, passed by learned Single Judge allowing the writ petitions filed by the respondent-colleges/institutions. In the writ petitions, the principal prayer of all the respondent-colleges was against the withdrawal of affiliation by the University.

While disposing of the writ petitions, learned Single Judge issued certain directions. For the present, we are concerned only with direction (iii), which, we feel, requires modification. Direction (iii) in paragraph-39 reads thus:

(iii) The Regional Centre of AICTE at Hyderabad or AICTE, New Delhi, shall depute its teams of inspection for compliance of the deficiencies pointed out by the University in respect of the concerned institutions as on the date of inspection thoroughly and submit a report to the University, which shall grant final affiliation for the present academic year 2015-2016. The exercise by Regional Centre of AICTE shall be completed on or before 28.07.2015 in order to enable the University to communicate its decision of final affiliation before the start of academic year. The students who choose such institutions under scrutiny shall be informed of the provisional affiliation granted to the institution. In case of ultimate rejection of affiliation of any institution based on the recommendation of AICTE, the University shall relocate the students to other institutions.

We have heard learned counsel for the parties for quite some time and having regard to the urgency in taking up admissions, they have agreed for the modification of aforementioned direction (iii) pending consideration of other points canvassed in the batch of cases.

The Regional Centres of All India Council for Technical Education

(AICTE) and appellant-University shall constitute minimum 25 Committees/Teams for inspection of the respondent-colleges, having two members nominated by AICTE and one member nominated by the appellant-University. They shall visit and inspect all colleges with an advance intimation of 48 hours. **During inspection, the Committee/Team shall confine itself to find out whether laboratories in the colleges have equipments for experiments and whether the colleges have qualified teaching staff/Principal/Director and other technical supporting staff and administrative staff as per the norms laid down by the AICTE.**

During inspection, the colleges shall keep all the teaching and other technical staff present with their photographs and copies of their degree certificates. They shall also keep originals ready for perusal of members of the Committee.

All colleges are directed to deposit Rs.2,00,000/- (Rupees two lakhs only) with the Registrar of the appellant-University within a period of one week from today. The Committees constituted by AICTE and the University shall, however, start inspection immediately without waiting for the deposit of inspection fee.

Insofar as minority institutions are concerned, the University is directed not to commence their inspection before 20th of this month. **All the Committees/Teams shall submit their report in sealed cover to the Registrar (Judicial) of this Court within three days from the date of inspection with a copy thereof in another sealed cover to the University.**

The appellant-University shall bear the expenditure of the members of the Committee/Team of AICTE out of the amount, as aforementioned, deposited by the colleges. The University shall pay their TA, DA/Honorarium, if any, within three days from the date of inspection. AICTE is directed to communicate the names of minimum 50 nominees for constituting 25 Teams, and if possible, more number of Teams within three days from today. The appellant-University shall take steps to constitute committees, as afore mentioned, and inform the colleges 48 hours in advance, the date of inspection. Inspection of all the colleges is directed to be completed on or before 01.08.2015.

In the meanwhile, it is open to commence the admission process as directed by the learned Single Judge in the impugned order. Admission of students in the respondent-Colleges /Institutions shall be subject to further directions, if any, issued by this Court or outcome of these appeals. If for any reason, affiliation of any institution based on the report of the Committee, as aforementioned, is rejected, the University shall re-locate the students to other institutions on the excess seats, if any, and if not possible refund the fees with the accrued interest, if any to the students. At the time of admitting the students in the respondent-colleges, they may be made aware of this order.

If any of the respondent-colleges before commencement of the admission process decide to withdraw the courses from affiliation, they should inform the University, today itself or before 10.00 a.m. on 16.07.2015 so that students shall not be allotted for those courses in the respondent-colleges.

It is needless to mention that the inspection Committees/Teams shall carry out inspection of disaffected courses. However, it would be open for them to seek all relevant documents in respect of members of the faculty even in the affiliated courses for verification.

At the time of inspection, it is open for the respondent-colleges to

submit all details in writing to the inspection Committee/Team and if any such documents are tendered by them, the Committee shall give acknowledgement thereof to the College.

Stand over to 03.08.2015.”

(emphasis supplied)

18. After this order, we are informed that some colleges chose not to participate in this process and did not deposit inspection fee. Some colleges decided to withdraw some courses and informed the University accordingly. Thus, about 99 colleges only were inspected jointly by AICTE and University.

19. Thereafter, on 28.07.2015, the following order was passed:

“After having heard learned counsel for the parties, we propose to pass the following order, which learned counsel for the parties have also agreed:

“The All India Council for Technical Education (AICTE) shall consider all 99 reports on or before the next date and shall either confirm the approval granted earlier and if they propose to withdraw/revoke the approval granted earlier to any of these colleges, they shall follow the due procedure by informing those colleges along with copy of the report. Similarly, the University shall also consider whether affiliation can be granted, on the basis of the inspection reports, to these colleges and if they decide not to grant affiliation to any of these colleges, the University shall inform them along with copy of the report and reasons for not granting affiliation before the next date.

It is needless to mention that if the AICTE and the University decide to withdraw approval or refuse affiliation in case of any of these colleges, on the basis of inspection report, they shall follow the due procedure as contemplated under the Regulations. Similarly, the University shall also follow the due procedure for either not granting or withdrawing the affiliation contemplated under the Regulations. This process, they can complete even after the next date of hearing.

We are informed that about 45 colleges have not deposited the inspection fee as per the order, dated 15.07.2015. All those colleges are directed to deposit inspection fee within one week from today, failing which, it is made clear that the writ petitions will be dismissed for non-prosecution.

It is needless to mention that whatever decision AICTE and the University would take, that would be subject to further orders that will be passed in these writ appeals.”

(emphasis supplied)

On 06.08.2015, the following directions were issued:

“On 20.07.2015, we directed the All India Council of Technical Education (AICTE) to consider all reports within timeframe.

Learned Counsel appearing for the AICTE, today, submits that the AICTE has constituted three committees consisting of former Vice Chancellors and eminent academicians to look into the reports and they are in the process of examining the reports. He submits that they will need some

more time to complete the process. Similarly, the learned Senior Counsel appearing for the University also seeks time to examine the reports.

Stand over to 03.09.2015.

At this stage, we are informed that still six colleges have not deposited inspection fee.

We grant them one more week's time to deposit the fee and if they fail to do so, appropriate orders will be passed on the next date."

On 23.09.2015, the following order was passed:

"This batch of writ appeals and writ petitions was heard yesterday and today. **It pertains to B.Tech and M.Tech courses run by the writ petitioner-institutions.**

After hearing learned counsel for the parties and perusing the orders passed by AICTE and the University in pursuance of our order, dated 15.07.2015, and also seven tables prepared by the University pending consideration of legal issues, we propose to pass the following order by way of interim relief:

"The University and AICTE have shown deficiencies in establishment and functionality of laboratories/lab equipments. All colleges/institutions are directed to make all the deficiencies good within a period of six weeks from today. It is made clear that all equipments that are required to run the courses should be placed in the laboratories and they should be in complete working condition for the ensuing academic years.

University shall appoint five teams for inspection of all laboratories to verify whether the colleges/institutions have complied with this direction on completion of the six weeks period from today. All colleges/institutions shall file undertakings in this Court within a period of one week from today stating that they shall comply with this order and shall cooperate with the teams of the University when they go for inspection to verify compliance of laboratory/lab equipments. The management of respective colleges shall also furnish undertaking that they shall keep all equipments in working condition all through out the academic year. The JNTU while constituting the committees shall request the Registrar (Judicial) to depute Assistant Registrars, who will accompany the teams for inspection of all the colleges as aforementioned, in writing. **Registrar (Judicial) is directed to appoint one Assistant Registrar to accompany each of the team of the University for inspection of the laboratories.** The Assistant Registrar shall also keep his notes of inspection on record in a sealed cover. It is open to the inspection teams to verify faculty deficiency, as indicated in the report and also in the report of the AICTE. The managements are directed to appoint faculty (shortfall) within a period of six weeks from today.

Insofar as Ph.D., faculties are concerned, irrespective of the course, whether B.Tech or M.Tech, all the colleges/institutions shall appoint Ph.D., faculty/Principal, as the case may be, within a period of three months from today. On such appointments being made, the colleges/institutions shall inform the AICTE and the University the name of faculty (Ph.D.) appointed along with bio-data, photograph and a copy of the letter of appointment."

Learned counsel appearing for the parties have agreed that if compliance of this order is not reported, this Court may pass

appropriate order on the next date of hearing. Appropriate order would also include closing of either college or the relevant course and in that event, this Court may proceed to pass further order that may be in the interests of the students.

Party in-person and learned counsel appearing for the parties in the following writ appeals have given up certain courses, which are as follows:

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W.A.No.695 of 2015

Sri Niranjan Reddy, learned counsel for the writ petitioners, submits that they shall not admit or seek allotment of students for M.Tech., Transport Engineering course.

His statement is recorded and accepted.

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W.A.No.633 of 2015

Party in-person submits that whatever courses are mentioned at Sl.Nos.4 and 5 in the order issued by the AICTE, dated 01.09.2015, in respect of St. Mary's College of Engineering and Technology he shall not admit any students for those courses.

His statement is recorded and accepted.

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W.A.No.692 of 2015

Sri Sri Ram, learned counsel, submits that the writ petitioner institution shall not admit students for M.Tech., Structural Engineering and M.C.A.

His statement is recorded and accepted.

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W.A.No.645 of 2015

Sri P. Pandu Ranga Reddy, learned counsel for the writ petitioners, submits that the petitioners' institutions shall not admit students for M.Tech., Power Electronics course.

His statement is recorded and accepted.

It is made clear, in case of all the colleges/institutions, that they are allowed to admit students to the extent the AICTE has now allowed i.e., in accordance with the reduced intake. Wherever AICTE has clearly stated in the order not to admit students in any course or subject, the institutions and colleges are directed not to admit students for those courses covered by the order of AICTE whether it is B.Tech./M.Tech./M.C.A./M.B.A./M. Pharmacy etc.

It is made clear that all the colleges/institutions shall appoint faculties as per the AICTE approval process handbook for 2015-2016.

Insofar as M.Tech., course is concerned, subject to above, the Convener P.G.C.E.T. shall conduct third phase of admission for the left out students to be admitted in the colleges/institutions involved in these writ appeals/writ petitions and complete the same within a period of one week from 29.09.2015. It is needless to mention that if the colleges do not furnish undertakings of the Chairman/Secretary of the institution/management, as aforementioned, they shall not be allotted students by the Convener. All colleges/institutions shall furnish copies

of their undertakings to the PGCET. Further, it is needless to mention that all admissions made in these colleges will be subject to further orders that will be passed by this Court on 04.11.2015 or thereafter.

Stand over to 04.11.2015.

It is open to the Convener to display on the website this order and about the pendency of this batch of writ appeals/writ petitions stating that the admissions in third phase would be subject compliance of the directions issued by this order and further order that may be passed by this Court in the batch of writ appeals/writ petitions.”

(emphasis supplied)

20. The above order dated 23.9.2015 was carried to the Supreme Court by the appellants in Special Leave to Appeal (c) Nos.28613-28642 of 2015. We are informed by the learned Advocate General for the appellants that challenge before the Supreme Court was confined only against the following observations/directions:

“Insofar as M.Tech., course is concerned, subject to above, the Convener P.G.C.E.T. shall conduct third phase of admission for the left out students to be admitted in the colleges/institutions involved in these writ appeals/writ petitions and complete the same within a period of one week from 29.09.2015. It is needless to mention that if the colleges do not furnish undertakings of the Chairman/Secretary of the institution/management, as aforementioned, they shall not be allotted students by the Convener. All colleges/institutions shall furnish copies of their undertakings to the PGCET. Further, it is needless to mention that all admissions made in these colleges will be subject to further orders that will be passed by this Court on 04.11.2015 or thereafter.”

21. The Supreme Court on 6.10.2015 while granting leave, granted *ad interim* relief as prayed for and issued notice making it returnable on 16.10.2015. Thereafter on 30.10.2015, the Supreme Court, allowed the appeals. The order dated 30.10.2015 passed by the Supreme Court reads thus:

“In view of the fact that these appeals have been filed at an interim stage and especially in view of the fact that the High Court is to hear the appeals on 4th November, 2015, **we direct that the interim relief granted by this Court shall continue till the High Court finally decides the appeals.**

We, however, modify our interim order to the effect that it would be open to the appellant/University/counseling authority to continue with the counseling, however, the respondents shall not given even provisional admission to the students.

It is also clarified that it would be open to the parties to make all submissions before the High Court and we are sure that the High Court shall consider and decide the matter at an early date.

Learned counsel appearing for the parties have assured this

Court that their counterparts appearing before the High Court shall not delay the proceedings.

We also clarify that the counseling will not create any right in favour of the students or the institutions. Counselling shall be completed on or before 7th November, 2015.

The appeals are allowed to the above extent.”

(emphasis supplied)

21.1 In view of the order of the Supreme Court, no admissions are made. After this order, we could not hear the appeals on some or the other ground, as reflected in the order sheet.

22. It would not be out of place to state few more facts as to what was the effect of joint inspection and re-inspection done in pursuance of the orders dated 15.07.2015 and 23.09.2015. At every stage writ petitions were either withdrawn by the colleges or were disposed of by consent of the learned counsel for parties and ultimately very few colleges including the colleges involved in the instant appeals have remained for our consideration. Some colleges did not pay inspection fee and hence those writ petitions were disposed of as infructuous. Some colleges could not and did not comply the deficiencies noticed by the joint inspection committees/team and hence they also backed out by accepting refusal of affiliation to their colleges. In case of some colleges, this Court passed an order by consent transferring the students who were admitted under convener quota and management quota, pursuant to the interim order, to other recognized colleges and accordingly those petitions were also disposed of. In case of some colleges, no students were admitted at all and hence those colleges also withdrew their writ petitions which were disposed of as rendered infructuous.

Some of the colleges withdrew their writ petitions since AICTE and University both refused approval and affiliation after joint inspection. In case of some colleges, after joint inspection and re-inspection, both AICTE and University granted recognition and affiliation and

hence the writ appeals filed by the University were disposed of as infructuous.

22.1 With this, hardly, 10-15 colleges pressed for hearing, including the colleges involved in the instant writ appeals. These events, after the appeals were filed, clearly support the submission made by learned Advocate General on behalf of the University that most of the colleges were not having proper infrastructure including faculty and laboratories to run colleges and those were granted extension of approval/recognition without physical verification. It was also contended that the procedure/practice being followed by AICTE in not physically inspecting the colleges every year and/or not giving proper attention to the reports of inspection teams constituted by the University showing major deficiencies is also hampering standard of education in the State.

23. Before we proceed further, it is relevant to observe that even after joint inspection was conducted in pursuance of the order dated 15.07.2015 and re-inspection in pursuance of the order dated 23.09.2015, there exist deficiencies in most of the colleges including the colleges involved in these ten appeals. The deficiencies are mainly in respect of faculty and laboratories. Some deficiencies are major and some are minor/curable. We, however, do not propose to enter into this area, since we are answering the question framed by us in paragraph 10 of this judgment, insofar as M.Tech. courses are concerned, in the negative. We now proceed to make brief reference to the submissions made on behalf of the parties and our reasons for deciding the question in the negative.

24. The learned Advocate General, after having invited our attention to the Schedule of counseling and admission, vehemently submitted that at this stage of the academic year, admissions cannot

be allowed/granted in view of the fact that the first semester examinations is scheduled to be held on 8.2.2016. He submitted that two mid examinations have already been conducted and as against this students are not even admitted in the respondent colleges and their term of first semester has not even commenced. In view thereof, he submitted the requirement of attendance cannot be fulfilled and the students cannot be allowed to appear for the examination scheduled to be held on 8.2.2016. He then submitted that the directions cannot be issued to hold separate examination for the students who are not even admitted for M.Tech. He submitted that the University cannot be directed to run two parallel courses for M.Tech. without approval of the Academic Council and/or to have two schedules of examinations in one academic year for the same course. He submitted that since M.Tech. course has two semesters for every academic year, it cannot be compared with B.Tech. course for which the first year examinations is conducted only once in a year, and therefore, attendance requirements and preparations for examination schedule cannot be compared. He submitted that the judgment of the Supreme Court in ***Nawab Shah Alam Khan College of Engineering v. Jawaharlal Nehru Technological University*** decided on 29.10.2014 in Manu/SC/1057/2014 has no application to the facts of the present case since in the said case the Supreme Court was dealing with B.Tech. course.

25. On the other hand, Mr.C.V.Mohan Reddy, the learned Senior Counsel, Mr.Sri Ram and Mr.P.Panduranga Reddy, the learned counsel appearing for the colleges submitted that the students cannot be made to suffer for the delay caused by the University and the AICTE in conducting inspection and granting recognition/approval and affiliation. Even now, according to Mr.C.V.Mohan Reddy, large number of students are waiting for

admissions for different M.Tech. courses. They will lose academic year if admission process is not completed and directions are not issued to conduct separate examinations. He also placed supplementary schedule on record commencing the first semester class work of the first semester on 11.01.2016 and final examinations in the month of April between 11.4.2016 and 23.04.2016, and the first semester class work of the second semester starting from 25.04.2016 and concluding with final examination between 15.8.2016 and 22.8.2016 without there being a summer vacation. In short, he submitted that the colleges are prepared to work eight hours every day except Sundays and prominent public holidays. He submitted that if the University is directed to conduct examinations in the manner suggested by him, large number of students will get admission this academic year and will also be able to save one academic year.

26. Undoubtedly, submissions made by Mr. C.V. Mohan Reddy, the learned senior Counsel for the Colleges is attractive. His submission is based on judgment of the Supreme Court in ***Nawab Shah Alam Khan College of Engineering*** (supra). In this case, the Supreme Court was dealing with B.Tech. courses apart from the fact that the question was considered in the background of creation of the State of Telangana on 02.06.2014. There, the University was directed to commence academic year on 15.11.2014 and end it on 30.06.2015. If the submission of Mr. Mohan Reddy, that a supplementary schedule of examination is prepared, as suggested by him, and if the University is directed to adhere to the said schedule is accepted, perhaps that would amount to encroaching upon the jurisdiction of the University and placing premium on the deficiencies noticed during joint inspection and on the wrong approach of AICTE in granting recognition/approval on online, without verifying whether proper infrastructure including faculty/laboratories, is in place. We

are not inclined to pass such order. If the Colleges do not run certain courses this academic year that would, in our opinion, work as eye opener for them and that all such Colleges will keep everything in place at least for the next academic year. That apart, if once by order of the Court a parallel M.Tech. course is allowed to be run, that would become unending process and from the next year perhaps that would become a routine, making it impossible for the University to manage its affairs.

27. In this connection, before we proceed further, it would be relevant to notice the observations made by the Supreme Court in

State of U.P. v. Dr. Anupam Gupta^[6] which read thus:

“Considering from this point of view, to maintain excellence the courses have to be commenced on schedule and be completed within the schedule, so that the students would have full opportunity to study full course to reach their excellence and come at par excellence. Admission in the midstream would disturb the courses and also work as a handicap to the candidates themselves to achieve excellence. Considering from this pragmatic point of view we are of the considered opinion that vacancies of the seats would not be taken as a ground to give admission and direction by the High Court to admit the candidates into those vacant seats cannot be sustained.”

28. It would be advantageous to notice the schedule of conduct of entrance examination, declaration of result of qualifying examination, different rounds of counseling/admission, commencement of academic session, last date up to which students can be admitted against vacancies arising due to any reason and last date of granting or refusing approval by AICTE as fixed by the Supreme Court in **Parshvanath Charitable Trust and Others v. All India Council for Technical Education and Others**^[7]. The schedule reads thus:

Event	Schedule
C o n d u c t of entrance examination (AIEEE/State CET/Management quota exams, etc.	In the month of May
Declaration of result of qualifying examination (12 th exam or similar) and entrance examination	On or before 5 th June

1 st round of counselling/admission for allotment of seats	To be completed on or before 30 th June
2 nd round of counselling/admission for allotment of seats	To be completed on or before 10 th July
Last round of counselling for allotment of seats	To be completed on or before 20 th July
Last date for admitting candidates in seats other than allotted above	30 th July. However, any number of rounds for counselling could be conducted depending on local requirements, but all the rounds shall be completed before 30 th July.
Commencement of academic session	1 st August
Last date up to which students can be admitted against vacancies arising due to any reason (no student should be submitted in any institution after the last date under any quota)	15 th August
Last date of granting or refusing approval by AICTE	10 th April

29. Having regard to the schedule fixed by the Supreme Court in **Parshvanath Charitable Trust** (supra) the academic session for 2015-16 ought to have started on 1st August, 2015. The schedule, however, could not be adhered to and the University was forced to have its own schedule/academic calendar for M.Tech. and M.Pharmacy-I, II Semesters (Regular) for the academic year 2015-16, and III, IV semesters for the academic year 2016-17. In other words, the University, in view of peculiar facts and circumstances, was forced to extend time/schedule of counseling and admission in Private Un-aided AICTE Approved Technical Colleges imparting teaching of technical courses for the academic session 2014-15. As per the schedule fixed by the University, admitted students were supposed to report and attend orientation programme on 14.09.2015. The first mid term examination was held on 16.11.2015 and second mid term examination is scheduled on 18.01.2016. The first semester examination is scheduled on 08.02.2016. As per the schedule fixed by the University, commencement of class work for second semester will be on 22.02.2016 and the final semester examination of second semester will be held on 16.08.2016.

29.1 Having regard to the academic calendar, in our opinion, if students for M.Tech and M.Pharmacy courses are allowed to take admission at this stage of the academic year, it would not be possible for them to comply the requirement of attendance before the first semester examination, which is scheduled to be held between 08.02.2016 and 20.02.2016.

29.2 Apart from that, we also considered the contention urged on behalf of the colleges by Mr.C.V.Mohan Reddy, learned Senior Counsel to fix another schedule of admission and to complete both semesters before the end of August, 2016. The schedule as contended is fixed that would amount to issuing direction to the University to run two parallel courses for M.Tech. in the same academic year and to have two schedules of examinations, which, as observed earlier, cannot be done apart from the fact that such a decision can be taken only by the Academic Council. The learned Advocate General appearing on behalf of the University expressed inability of the University to conduct two parallel courses for M.Tech. and two schedules of examinations for the same course in one academic year (2015-16). He submitted if directions are given to run two parallel M.Tech. Courses with further direction to have two schedules of examinations that would become a routine and would adversely affect the academic discipline.

29.3 Merely because large number of students are still waiting for admissions for M.Tech. Course does not mean that the University should run two parallel courses and to conduct two examinations for the very same course and that too without providing holidays/vacations to the students and the teaching staff. It would not be possible, as submitted by learned Advocate General, for the University to keep track of the colleges to see whether they are

complying minimum attendance in the class as is required under the AICTE Act and the Regulations framed thereunder, apart from the Academic Regulations for M.Tech (Regular) Degree Course.

30. Academic Regulations R13 for M.Tech. (Regular) Degree Course issued by the University from the Academic year 2013-14 and onwards provide 90 minimum instruction days in each semester with holidays and vacations, which are equally necessary for overall development of the students. Similarly, it also provides that student shall not be permitted to the next semester, unless he satisfies the attendance requirement of the previous semester, including the days of attendance in sports, games, NCC and NSS activities. It is not necessary to make further reference to the regulations as to requirement of attendance. Keeping the requirement in view, we considered the submissions of learned counsel appearing for the parties. We are of the view that extension of time/schedule of admission, at this stage of the academic year, cannot be allowed. To maintain excellence, the

M.Tech. Course have to be commenced on schedule and to be completed within the schedule, so that students would have full opportunity to study full course to meet their excellence and come at par excellence, as observed by the Supreme Court in ***Dr. Anupam Gupta*** (supra). Directing the University to run two parallel courses for M.Tech. and to have two different schedule of admissions and examinations is also not proper and congenial to the atmosphere in the colleges affiliated to the University. Even to make students to attend college and comply the requirement of attendance without there being any vacation as such, in our opinion, would disturb not only the courses but even the students to achieve excellence.

31. In the present case, entire blame for delay in admissions, as alleged cannot be put on the University. As a matter of fact, the

University consistently has been pointing out that most of the colleges which were before the learned Single Judge, did not have proper infrastructure more particularly the faculty and well equipped laboratories and perhaps that was the reason why learned Single Judge even while allowing the writ petitions issued directions to AICTE to depute its teams of inspection for compliance of the deficiencies pointed out by the University in respect of the concerned institutions. In the meanwhile, provisional affiliation was directed and the admission process subject to inspection by the AICTE was allowed. The learned Single Judge also observed that the students who choose such institutions under scrutiny shall be informed of the provisional affiliation granted and further if the affiliation is finally rejected they would be relocated in other recognized institutions. We have already reproduced the directions issued by the learned Single Judge.

32. The practice of AICTE to grant continuation of recognition/approval online without physically inspecting the college and verifying whether they have entire infrastructure, in particular faculty and laboratories, in place, is wrong and deserves to be deprecated. Qualified faculty and laboratories are like brain and heart of Colleges. We have noticed in case of some Colleges, having faculty on paper and laboratory machines are either not existing or not in working condition. In one case, the faculty, who were kept present at the time of inspection as per our order, told the members of the inspection team that the signatures on attendance register were not their signatures. With this state of affairs, for the remaining part of academic year if colleges do not run few courses, heavens will not fall. As a matter of fact, they will get sufficient breathing time to put everything in place for the next academic year.

33. AICTE has been established for coordinated and integrated development of the technical education system at all levels throughout the country and is enjoined to promote qualitative improvement of such education in relation to planned quantitative growth. It requires to regulate and ensure proper maintenance of norms and standards in the technical education system. It is expected to evolve suitable performance appraisal system incorporating such norms and mechanisms in enforcing their accountability. It is also required to provide guidelines for admission of students and has power to withhold or discontinue grants and to de-recognize the institutions where norms and standards laid down by it and directions given by it from time to time are not followed. This duty and responsibility cast on the AICTE, as observed by the Supreme Court, implies that the norms and standards to be set should be such as would prevent a lopsided or an isolated development of technical education in the country. For this purpose, the norms and standards for the technical education should ensure development of technical education system that there will be sufficient number of technically educated individuals and that their growth would be in a planned manner; and that all institutions in these States are in a position to properly maintain the norms and standards that are prescribed by the AICTE. The norms and standards have, therefore, to be reasonable and ideal and at the same time, adaptable, attainable and maintainable by the institutions to ensure both quantitative and qualitative growth of the technically qualified personnel to meet the ends of both the States. (*See State of T.N. v. Adhiyaman Edu. & Research Institute*)

33.1 Under Section 10 of the AICTE Act, it is the AICTE which is entrusted with the power, particularly, to allocate and disburse performance appraisal systems incorporating norms and

mechanisms for maintaining accountability of the technical institutions, laying down norms and standards for courses, curricula, staff pattern, staff qualifications, assessment and examinations, fixing norms and guidelines for charging tuition fee and other fees, granting approval for starting new technical institutions or introducing new courses or programmes, to lay down norms or granting autonomy to technical institutions, providing guidelines for admission of students, inspecting or causing to inspect colleges, for withholding or discontinuing of grants in respect of courses and programmes, declaring institutions at various levels and types fit to receive grants, advising the Commission constituted under the AICTE Act for declaring technical educational institutions as deemed universities, setting up of National Board of Accreditation to periodically conduct evaluation on the basis of guidelines and standards specified to make recommendations to it or AICTE or the Commission or other bodies under the AICTE Act regarding recognition or de-recognition of the institutions or the programme conducted by it. Thus, so far as these matters are concerned, in the case of institutions imparting technical education, it is not JNTU Act and the University but it is AICTE Act and the AICTE created under it which will have the jurisdiction. To that extent, it is true that after coming into operation of the AICTE Act, the provisions of JNTU Act would be deemed to have become unenforceable in case of technical colleges like the engineering colleges.

33.2 The AICTE Act, as observed earlier, has been enacted by the Parliament under Entry-66 of the List-I to coordinate and determine the standards of technical institutions as well as under Entry-25 of List-III. The provisions of JNTU Act regarding affiliation of technical colleges like engineering colleges and the conditions for grant and continuation of such affiliation by University shall, however,

remain operative but the conditions that are prescribed by the University for grant and continuance of affiliation will have to be in conformity with the norms and guidelines prescribed by AICTE in respect of matters entrusted to it under Section 10 of the AICTE Act. Thus, it is clear, as long as the conditions that are prescribed by the University for grant and continuation of affiliation are in conformity with the norms and guidelines prescribed by AICTE in respect of the matters entrusted to it under Section 10 of the AICTE Act, University, in the given circumstances can take cognizance if it finds that the norms and guidelines prescribed by AICTE are either not complied or followed. University, in such an eventuality, is expected to bring it to the notice of AICTE for necessary action the AICTE being a supreme authority to take final decision in respect thereof. In short, so far as technical institutions are concerned, the norms and standards and the requirements for the recognition and affiliation respectively that the State Government and the University may lay down, cannot be higher than to be in conflict and inconsistent with those laid down by the AICTE under AICTE Act.

34. It is not in dispute that AICTE do not get sufficient time to physically verify everything by sending its inspection teams to every college in the country and hence they have adopted the procedure of granting continuation of recognition/approval by AICTE on online. In other words, AICTE for continuation of recognition/approval or for approval of new courses in the existing approved colleges do not physically inspect the colleges and based on the information furnished by them on-line, they grant approval or continuation of approval. This, in our opinion, is very risky procedure which AICTE has been following all these years and as a result thereof, the colleges, on the basis of whatever information they furnish on-line, without verification get extension of approval/recognition. If the

University, in the present case, had not inspected the colleges, the deficiencies noticed by them would not have surfaced. Out of more than 100 colleges ultimately very few colleges got approval and affiliation. It is high-time for the AICTE and Universities to work *ad-idem* as they have a common object viz., imparting of education properly and ensuring maintenance of proper standards of education, examination and infrastructure for betterment of educational system. Only if all these authorities work in a co-ordinated manner and with co-operation, will they be able to achieve the very object for which all these entities exist. If for any reason it is not possible for AICTE to inspect every college for continuation of recognition/approval every year, it is always open and also advisable for them to leave it to the University to inspect colleges every year well in advance and on the basis of their reports, take appropriate decision and follow the due procedure if report of the University is adverse to the college. We find that AICTE take it as a prestige issue and consider/treat inspection done by Universities as encroachment on their jurisdiction. This approach of AICTE needs to be changed, since it is hampering standard of technical education in the country. We have noticed the sequence of events and how most of the colleges ultimately withdrew their petitions after joint inspection or re-inspection. This clearly demonstrates that the University was right in stating that those colleges were not having proper infrastructure including faculty and laboratories. In our opinion, University cannot be blamed for taking steps, independently, to inspect colleges and after having found deficiencies for refusing affiliation. Even the delay in completing the admission process also cannot be attributed to the University alone. We may not agree with the observations made by learned single Judge in paragraph-38 of the impugned judgment. It is true that jurisdiction of the Universities and AICTE are independent and they are not expected to encroach upon

the jurisdiction of each other. But that by itself does not mean that they should not work together for ensuring maintenance of proper standard of education, examination and infrastructure for betterment of technical educational in the country.

35. In the result, we dispose of these appeals answering the question framed by us in paragraph 10 of the judgment insofar as M.Tech courses are concerned, in the negative. Except in W.A.Nos.665, 692, 605, 657, 653 and 669 of 2015, we are not concerned with B.Tech courses in the remaining appeals and hence those appeals are allowed and the order passed by the learned single judge, insofar as these appeals are concerned, is set aside.

36. Insofar as W.A.Nos.665 and 692 of 2015 are concerned, since no students for the B.Tech. Course were admitted, the prayer in the writ petitions filed by the respondent-Colleges rendered infructuous and the writ petitions, insofar as B.Tech courses are concerned, are disposed of as infructuous and as a result thereof writ appeals are disposed of. Insofar as W.A.No.605 of 2015 is concerned, no students for B.Pharm course are admitted and hence the prayer made in the writ petition by the respondent-college rendered infructuous. The writ petition is accordingly disposed of as infructuous and as a result thereof the writ appeal is disposed of.

37. The respondent-college involved in W.A.No.657 of 2015 was not allotted any B.Tech. students under convener quota. However, college admitted 25 students under management quota. The deficiencies pointed out after joint inspection and re-verification show that the procedure for appointment of faculty was not followed. Even the dates on tax invoices and purchase orders of the machines in the laboratories are not matching. In this view of the matter, Mr.Sri Ram, the learned counsel appearing for the respondent-college, on

behalf of the college undertakes to comply the deficiencies within two months from today. His undertaking is accepted. The college is allowed to run. The college, however, shall not admit any more students in this academic year. Mr.Abhishek Reddy, learned counsel for the University, does not oppose this order and submitted that the University shall once again inspect college in March to verify compliance. Thus, the writ appeal is partly allowed and disposed of as such.

38. The college involved in W.A.No.653 of 2015 was allotted 13 and 16 students under convener quota for the B.Tech (CSE), B.Tech (Mechanical) courses and one student under management quota for B.Tech. (Mechanical). In respect of both these courses certain deficiencies were pointed out, which according to Mr.Sri Ram are minor. Mr.Abhishek Reddy did not seriously oppose the submission. That apart, the respondent-college claims that they have complied with all deficiencies and have placed supporting documents on record. This has also been not disputed by Mr.Abhishek Reddy. In view thereof, we allow the respondent-college to continue to run the aforementioned two courses in B.Tech. They shall not admit any more students for these courses. We direct the University to periodically visit the college and find out whether the deficiencies, which were noticed by the joint committee and during re-verification are complied or not. Thus, the appeal is partly allowed.

39. The college in W.A.No.669 of 2015 was allotted 5 students for B.Tech. (Automobile) and 2 students for B.Tech. (ECE) under convener quota. Insofar as B.Tech. (Automobile) course is concerned, 2 students under management quota were also admitted. The college is running both these courses. After joint inspection and

re-inspection, as per our orders, according to Sri C.V.Mohan Reddy, learned senior Counsel, there are no deficiencies and hence, the college may be allowed to run these two courses for the present academic year. Sri Abhishek Reddy did not seriously oppose this submission. In view thereof, we allow the respondent-college to continue to run the aforementioned two courses in B.Tech. and they shall not admit any more students to these courses. The writ appeal is partly allowed.

40. The colleges involved in the Writ Appeals, seeking allotment of students for M.Tech course, shall not admit any students for the academic year 2015-16. The prayers made by them in the writ petitions, from which the instant appeals arise, are rejected and as a consequence thereof the writ petitions are dismissed and the Writ Appeals are disposed of in terms of this judgment. This, however, shall not preclude the respondent-colleges from approaching the AICTE and the University well in advance for completing all formalities for getting recognition/approval and affiliation well within time so that they may be able to run the courses in M.Tech and B.Tech. at least the next academic year.

41. Before we part, we observe that we have issued directions firstly for joint inspection by committee consisting of members of University and AICTE, of deficiencies vis-à-vis compliance status by the colleges and secondly re-inspection by University and Assistant Registrars of this Court, the reports of such inspection reveal very sorry state of affairs of perfunctory approvals/affiliations by the AICTE resulting in half baked or not baked cakes (students), passing out from the colleges. The presumptive value of recognition/affiliation in academic quarters is eroded with these types

of approvals/affiliations. Be it AICTE or University, to assert primacy in the matters of academics, must not compromise in any manner in enforcing standards/requirements of faculty/laboratories while according recognition/affiliation to private managements. The cascading number of writ appeals finally pressed for hearing after the contest was withdrawn by managements in other writ appeals, clearly demonstrates that the self attested details furnished by managements were not correct and ready for verification. Needless to emphasize that quality technical education is the need of nation and the youth ought not to be taken off the garden path with paper approvals/affiliations from statutory authorities. The authorities, thus, are belying the expectations of innocent youth. Therefore, from the experience gained in these writ appeals, AICTE and University should introspect on procedures to be undertaken by them to save education (technical) before the education loses its sheen. Hence, we direct AICTE to study the procedures, identify existing deficiencies in recognition process and take up remedial steps before the commencement of academic year 2016-17 in the light of few suggestions made by us in the judgment. The University/Appellant is directed to notify the academic calendar date for 2016-17 for applying affiliation on or before 31.03.2016 and shall strictly adhere to the calendar. The Registry is directed to mark a copy of this common judgment to the AICTE, the University and the Ministry of Human Resources Development, Union of India, New Delhi.

42. The appeals are disposed of. No costs.

43. Miscellaneous petitions pending in these appeals, if any, also stand disposed of.

Dilip B. Bhosale, ACJ

S.V. Bhatt, J

Dt. 07.01.2016

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[\[1\]](#) (2013) 3 SCC 385
[\[2\]](#) (1995) 4 SCC 104
[\[3\]](#) (2000) 5 SCC 231
[\[4\]](#) (2013) 2 SCC 617
[\[5\]](#) (2011) 4 SCC 527
[\[6\]](#) AIR 1992 SC 932 (1)
[\[7\]](#) (2013) 3 SCC 385