

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.9771 of 2015 (O&M)

Date of Decision:21.04.2016

M/s Indo Global Education Foundation and anotherPetitioners

Vs.

All India Council for Technical Education and anr.Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vikas Bahl, Senior Advocate with
Mr. Ramandeep Singh, Advocate for the petitioners.

Mr. S.K. Sharma, Advocate for the respondents.

RITU BAHRI, J.(Oral)

The petitioners are seeking quashing of the order Annexure P.11 dated 7.4.2015 whereby extension of approval has been rejected and Annexure P.12 dated 30.4.2015, the Committee has not granted approvals for the academic year 2015-2016.

The petitioner is a group of Educational Institutions in Village Abhipur, Tehsil Kharar, District S.A.S. Nagar (Mohali). Respondent No.1- All India Council for Technical Education had invited proposals for establishment of new Technical Institutes for the academic year 2003-04. In the application Annexure P.1, the petitioners had mentioned the details of the approved building plans which had been issued by the Sarpanch Panchayat Village Abhipur on 27.9.2002. At that time, the land fell in the rural area and did not fall within the corporation limits and Gram Panchayat was the appropriate authority to pass the building plans which it had done on 27.9.2002 after accepting the application of the petitioners Annexure P.1, the approval was granted by the AICTE on 26.6.2003 Annexure P.4. After the approval was granted, the Institute admitted students for the year 2003

and extensions were granted to the Institute continuously over the years as per Annexure P.6 (colly). Pursuant to visit by the Expert Committee on 18.11.2014, the petitioners appeared before the Committee on 31.12.2014 and petitioners were asked to give their explanations with regard to the shortage of faculty of UG- Electronics and Communication Engineering (Ist shift) 30 Nos. against required 32. Thereafter, they appeared before the Standard Appellate Committee and submitted their documents. The respondents again issued a letter dated 10.2.2015 with regard to certain deficiencies. One of the deficiency was with regard to draft compliance. Thereafter, the impugned orders Annexures P.11 and P.12 were passed rejecting the grant of extension of approval simply on the ground that the petitioners had not produced the necessary draft plans from the competent authority. Notice of motion was issued on 18.5.2015 by observing that the building stood constructed way back in the year 2002-03 and since the area had come within the controlled area, the application had already been made by the petitioner to the GMADA authorities for sanction of building plans which is a formality and it could not be a ground to refuse extension approval. During the pendency of the writ petition, the petitioners have placed on record Annexure P.24, which is dated 29.2.2016 whereby the Department of Town and Country Planning, Punjab has approved the building plans of the Indo Global College under the compounding policy of 6.5.2015. It is not the case of the respondents that after the approval was given in 2003 vide Annexure P.4, a new building has been constructed by the petitioner- Institute after the area came within the controlled area, an approval was required to be taken from GMADA. Since

the approval has now been given vide Annexure P.24 and the Institute pursuant to the interim order passed on 18.5.2015 has admitted students for the session 2015-2016. At this stage, there is no ground to revise the approval with the respondents by the All India Technical Institute – respondent No.1 remains. The impugned orders Annexure P.11 and P.12 are set aside. The approval deemed to be granted.

Accordingly, this writ petition is allowed.

April 21, 2016
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(RITU BAHRI)
JUDGE