

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

**LPA No. 861 of 2016(O&M)**

**Date of decision : 02.08.2016**

**Keshav Educational Society**

**.....Appellant**

**Versus**

**All India Council For Technical Education and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE SURYA KANT**

**HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Rakesh Handa, Advocate  
for Mr. Ashwani Talwar, Advocate  
for the appellant.

Mr. Ashok Kumar Sharma, Advocate  
for Mr. S.K.Sharma, Advocate  
for respondent no.1.

Mr. Amit Rao, Advocate  
for respondent no.4.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgement should be reported in the Digest?

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**DARSHAN SINGH, J.**

Appellant-Keshav Educational Society (for short 'Society') has directed this appeal against the judgment/Order dated 06.05.2016, whereby the learned Single Judge has dismissed the Civil Writ Petition No. 6913 of 2016 filed by the appellant-Society.

2. The appellant-Society is running a Pharmacy College under the name and style Keshav College of Pharmacy, Assand-Kohand road, V.P.O Salwan, District Karnal, Haryana (for short 'College'). The said College was accorded approval by the All India National Council for Technical Education

(hereinafter called 'A.I.C.T.E.') in the year 2007, which was extended up to 2014-2015. But, it did not apply for extension of approval for the Session 2015-2016. The Pharmacy Council of India put the College under 'no admission category' for 2015-2016 Session. Thereafter, the appellant-Society applied for extension of approval for the Session 2016-2017. An Expert Valuation Committee (for short 'E.V.C.') was appointed to visit the college in order to verify about the infrastructure as per A.I.C.T.E. norms, which visited the College on 29.03.2016 and pointed out about 24 deficiencies in its report. The case of the appellant was referred to the Standing Appellate Committee (for short 'S.A.C.') for consideration. During the pendency of the writ petition, the S.A.C. decided the matter for grant of approval against the appellant on 04.04.2016. The appellant amended the writ petition with the permission of the Court to challenge the said action.

3. The writ petition filed by the appellant was dismissed by the learned Single Judge vide impugned judgment/order dated 06.05.2016. Hence this Letters Patent Appeal.

4. It is pertinent to mention that during the pendency of the present appeal, the Pt. B.D.Sharma University of Health Science, Rohtak was ordered to be impleaded as respondent no.4 to apprise the Court whether the appellant college can be considered for admissions for the current academic session.

5. We have heard learned counsel for the parties and have meticulously gone through the record.

6. Initiating the arguments, learned counsel for the appellant contended that approval to the appellant-Society to run B.Pharmacy Course was granted from year to year without any break up to academic year 2014-2015. However, due to financial constraints the accounts of the appellant-

Society were declared as 'non performing assets' and the bank initiated the proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and took over the physical possession of the premises of the college on 29.01.2015. On payment of the arrears of loan, the possession was restored on 16.03.2015. So, the appellant-Society could not apply for grant of approval for academic Session 2015-2016. Thus, the said non-grant of approval was not on account of any deficiency but for the reasons beyond the control of the appellant.

7. He further contended that the E.V.C. of the respondents conducted the inspection of the appellant-Institute on 29.03.2016 and the deficiencies were pointed out on 02.04.2016. The appellant was directed to be present before the S.A.C. on 04.04.2016 at 10.00 a.m. along with relevant documents. The time given to the appellant was extremely short. Even then the appellant attended the meeting and presented the application seeking two week's time to remove these deficiencies. But, the S.A.C. by cryptic and without appreciating practical difficulty passed the impugned order dated 04.04.2016. He contended that the said order is illegal. The respondents have not adhered to the time schedule for inspection of the College. He contended that the Hon'ble Supreme Court in case **Parshvanath Charitable Trust and others Vs. All India Council for Technical Education and others [(2013) 3 SCC. 385]** has laid down that there should be strict adherence to the time schedule for the grant of approval which has been violated in this case. He further contended that **Civil Writ Petition No. 9844 of 2012 titled as Jind Institute of Engineering and Technology Vs. State of Haryana and others**, decided on 04.12.2013 has been allowed under similar circumstances.

8. He further contended that during the pendency of the present

appeal the E.V.C. was directed to conduct re-inspection vide order dated May 25, 2016 and to submit its report about the removal of the differences. Said re-inspection was carried out on 13.06.2016 and no deficiency was noted down, which shows that all the deficiencies pointed out earlier were removed. Thus, he contended that the action of respondents in not granting approval for admissions for the Session 2016-2017 is totally unjustified. He contended that the appellant has been made to suffer without any fault. The respondents have themselves committed delay in inspection and have not provided reasonable time to clear the deficiencies. The action of the respondents has resulted in great financial loss to the appellant. He further contended that the learned Single Judge has not taken into consideration the aforesaid circumstances in the right perspective. The respondents should be directed to grant approval to the appellant for the academic Session 2016-2017 in the same manner as has been granted for the next academic Session 2017-2018.

9. On the other hand, learned counsel for the respondents contended that the approval for admissions for the Session 2016-2017 was declined due to various deficiencies pointed out in the College by E.V.C. as a result of inspection on 29.03.2016. He further contended that during the pendency of the appeal the re-inspection was carried out and it has been decided that extension/approval can be granted for the academic year 2017-2018. But, the appellant cannot be granted permission for admissions for the Session 2016-2017 as the admission process is already over.

10. Learned counsel for the respondent-University has also apprised this Court that at this stage the appellant cannot be granted permission for admissions for the Session 2016-2017 as the schedule for admission for this Session is already over.

11. We have duly considered the aforesaid contentions.

12. It is not disputed that as per the inspection carried out by the E.V.C. on 29.03.2016 various deficiencies were found, which have been reproduced by the learned Single Judge in the impugned judgment/order. The respondent-A.I.C.T.E. vide e-mail dated 02.04.2016 has intimated the deficiencies recorded by E.V.C. as a result of inspection on 29.03.2016. The appellant-Society was given an opportunity to represent its case before the S.A.C. on 04.04.2016 along with relevant supporting documents. The S.A.C. has specifically observed that no document was produced and the appellant was not serious in removing the deficiencies. So, the extension of approval for the academic year 2016-2017 was not recommended.

13. The respondent-A.I.C.T.E has issued the public notice for approval of process for the Session 2016-2017. As per said public notice the filing of online applications for the Session 2016-2017 in respect of approvals was to begin on 21.01.2016 and was to end on 21.02.2016. No material has been placed on record by the appellant to show that the application was submitted by the appellant during this time schedule. So, the appellant cannot blame the respondents for any delay in processing the application or taking the decision. As per the public notice, the processing of the application was to begin on 22.02.2016 and to end on 10.04.2016. It is an admitted case that the deficiencies pointed out by the E.V.C. in the inspection dated 29.03.2016 were not removed by 10.04.2016.

14. No doubt, during the pendency of the present appeal as per the direction of this Court, the re-inspection was carried out by the E.V.C. on 13.06.2016 and no deficiency was pointed out. But, by that time the schedule for admissions was almost over as the entrance examination was to be

conducted in the month of May, 2016 and result of the qualifying examination and entrance examination was to be declared on or before 05.06.2016. Even the last round of counseling for allotment of seats was to be completed on or before 20.07.2016. This fact is not disputed that as a result of re-inspection, the respondent-A.I.C.T.E. has decided that extension of approval can be granted for next academic year i.e. 2017-2018, but with a rider that admissions cannot be allowed for the current Session i.e. 2016-2017. This Court in order to know the stand of Pt. B.D.Sharma University of Health Science, Rohtak impleaded it as respondent no.4. Learned counsel for the respondent-University has stated that as even the last round of counseling is over by 20.07.2016, so the appellant cannot be permitted to admit the students for the Session 2016-2017. In view of the aforesaid circumstances, the appellant itself is to be blamed. The financial constraints of the appellant cannot be a ground to bypass the rules.

15. Cases relied upon by learned counsel for the appellant are not applicable to the facts of the case. In **Parshvanath Charitable Trust's** case (**Supra**), the Apex Court has observed that A.I.C.T.E should ensure proper and timely action on applications submitted and it must respond to the applicant within a reasonable time and should not let the matter drag till the final date. But, here in this case as already mentioned the appellant has neither pleaded nor placed on file any document to show that the appellant has submitted the application for extension of approval within the time schedule. In **Jind Institute of Engineering and Technology's** case (**Supra**), the Institute has filed the application for approval for the Session 2013-2014 within stipulated time frame.

16. Appellant-society has not been able to show any exceptional and special circumstances to direct the respondents to grant the approval and

extend the time schedule for admissions of the students by the appellant for the Session 2016-2017. At best, it may approach the University to shift its students, who are already admitted in the previous years, so as to lessen its financial burden on keeping the full strength faculty and other infrastructure.

17. Consequently, the conclusion arrived at by the learned Single Judge does not call for any interference.

18. Resultantly, the present appeal has no merits and the same is hereby dismissed except the liberty given in Para 16 above.

**(SURYA KANT)**  
**JUDGE**

**(DARSHAN SINGH)**  
**JUDGE**

**August 02, 2016**

s.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No