

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

Delivered on :06-04-2017

Coram :

Honourable Mr. Justice V.RAMASUBRAMANIAN
and
Honourable Ms. Justice J.UMA DEVI

W.P.No.3808 of 2017

1. Federation of Social Responsibility Professional Institutions, Plot No.100, High Court Colony, Vanasthalipuram, Hyderabad, rep. by its National Chairman, Dr. Rev. K.V.K. Rao.
2. Joseph Sriharsha & Mary Indraj Educational Society, Plot No.102, High Court colony, Vanasthalipuram, Hyderabad -500070, rep. by its Hon. Chairman & Correspondent, Dr. Rev. K.VK. Rao.
3. Dr. Rev. K.V.K. Rao, S/o. Late Venkaiah, Educationalist, Plot No.102, High Court colony, Vanasthalipuram, Hyderabad-500070.

... Petitioners

Vs.

1. Union of India, Ministry of Human Resource Development, Shastri Bhawan, C-Wing, Dr. Rajendra Prasad Road, New Delhi, rep. by its Secretary.
2. All India Council for Technical Education, New Delhi, rep. by its Member Secretary.
3. Jawaharlal Nehru Technological University-Hyderabad, Kukatpally, Hyderabad, rep. by its Registrar.
4. The Jawaharlal Nehru Technological University-Kakinada, Kakinada, rep. by its Registrar.

... Respondents

For the Petitioner : Mr. Sricharan Telaprolu

For the Respondent No.2 : Mr. K. Ramakanth Reddy

For the Respondent Nos.3 & 4 : Mr. A. Abhishek Reddy

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

HON'BLE MS. JUSTICE J. UMA DEVI

W.P.No.3808 of 2017

ORDER: (per V. Ramasubramanian, J.)

The petitioners have come up with the above writ petition challenging the regulations 4.19 (a) and 4.26 of the AICTE (Grant of Approvals for Technical Institutions) Regulations, 2016.

2. Heard Mr. Sricharan Telaprolu, learned counsel for the petitioners. Mr. K. Ramakanth Reddy, learned counsel takes notice for the 2nd respondent and Mr. A. Abhishek Reddy, learned counsel takes notice for respondents 3 and 4.

3. In exercise of the power conferred by Section 23(1) read with Sections 10 and 11 of the AICTE Act, 1987, the All India Council for Technical Education issued a set of regulations known as All India Council for Technical Education (Grant of Approvals for Technical Institutions) Regulations, 2016. Under Regulation 4.19(a), the processing of applications is based on self-disclosure. Only if there is "Zero Deficiency" the system will allot the intake applied for, as per the Approval Process Handbook.

4. Under Regulation 4.26, the Council is obliged to grant the desired approvals only after confirming that the applicant meets all the norms and standards prescribed in the Approval Process Handbook. Under the very same Regulations, the Council reserved the right to inspect the institutions, which made self-disclosure. Upon inspection if the information furnished by the institutions was found to be false, penal action would be initiated.

5. Regulations 4.19(a) and 4.26 are extracted as follows, since they are under challenge.

“4.19(a): There is no scrutiny for applications applied under 4.1(a) and (f), as the processing is based on self-disclosure. If there is “Zero Deficiency”, then the system shall allot the intake applied for, as per the Approval Process Handbook.

4.26: The Council shall grant the desired approvals only after confirming that the applicant meets all the norms and standards prescribed in Approval Process Handbook. From the self-disclosure information of the Institutions, the Council reserves the right to inspect and if it is found that information is false, then initiate penal action as per Approval Process Handbook.”

6. The challenge of the petitioners to the impugned Regulations is primarily on the ground that it is dangerous to grant extension of approvals based upon self-disclosure without undertaking physical verification. According to the petitioners, many institutions made false disclosures, which resulted in the universities refusing approvals for the courses, even after the grant of permission by AICTE. According to the petitioners, most of the institutions do not meet the norms and standards fixed by the AICTE, but those institutions now stand to benefit by the Regulations that are under challenge. According to the petitioners, a Division Bench of this Court indicated in an order dated 07.01.2016 passed in W.A.No.605 of 2015 that the grant of extension of approvals online, without physically inspecting the colleges was dangerous. Therefore, the petitioners claim that the impugned Regulations are liable to be struck down.

7. At the outset it should be pointed out that no statutory Regulations can be challenged merely on the ground that there is possibility of misuse. There are so many legislations, which, by their very nature, are prone to misuse. But that cannot be a ground to test the *vires* of a statutory Regulation.

8. Admittedly the impugned Regulations are framed in exercise of the power conferred by the statutory provisions. The impugned Regulations are not assailed on the ground that they are *ultra vires* the Act and *ultra vires* the provisions of the Constitution. The Regulations are not even challenged on the ground that they go contrary to some thing contained in the Statute. In other words, the impugned Regulations are not challenged on any legally tenable grounds.

9. It should be pointed out that there has been a mushroom growth of educational institutions imparting technical education in the country. It is impossible for the All India Council for Technical Education, with a humble team of experts, to visit all the institutions and examine the applications for approval/extension of approval, before the deadline fixed by the Supreme Court for every academic year. Therefore, if by a statutory Regulation, a Regulatory Body imposes a greater responsibility, accountability and obligation upon an institution, the same cannot be faulted by suspecting the credentials of all the educational institutions.

10. Even under the tax regime, self assessment is what is now prevailing. Therefore, the prescription of a self-disclosure online, is a matter of necessity. We do not find the same to be either in violation of the statute or in excess of the power delegated to the AICTE. Hence the Writ Petition is dismissed as devoid of merits.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

6th April, 2017
Js.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MS. JUSTICE J. UMA DEVI

W.P.No.3808 of 2017
(Per VRSJ)



6th April, 2017

Js.