

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

Delivered on : 29-06-2017

Coram :

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

W.A.Nos.697, 727, 728, 729, 734 & 735 of 2017

And

W.P.Nos.17667, 17669, 18301, 19615 & 19595 of 2017

W.A.No.697/ 2017

Between:

The All India Council for Technical Education,
7th Floor Chandralok Building, Janpath,
New Delhi, Rep. by its Member Secretary.

Appellant/respondent No.1

Vs.

1. Seshachala Venkata Subbaiah PG College, Nagari Road, Puttoor, Chittoor District, rep. by its Secretary & Correspondent, Mr. Srinivas Kumar.
2. Jawaharlal Nehru Technological University, Anantapur, Anantapur District, State of Andhra Pradesh.
3. The State of Andhra Pradesh, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Velagapuri, Amaravathi, Andhra Pradesh.

Respondent/claimants

W.A.No.727/ 2017

Between:

The All India Council for Technical Education,
7th Floor Chandralok Building, Janpath,
New Delhi, Rep. by its Member Secretary.

Appellant/respondent No.1

Vs.

1. Aurora Educational Society, 1-8-168/2/1, Street No.12, Chikkadpally, Hyderabad, rep. by its General Secretary, N. Ramesh Babu.
2. Aurora's Business School, 6-3-456-18 & 19, SBH Lane, Panjagutta, Hyderabad -500082.
3. Dr. Ramesh Babu S/o. N. Sitaiah, G2, SBI Colony, Baghamberpet, Hyderabad 500032.
4. The State of Telangana, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Hyderabad.

Respondent/claimants

W.A.No.728/ 2017

Between:

The All India Council for Technical Education,
7th Floor Chandralok Building, Janpath,
New Delhi, Rep. by its Member Secretary.

Appellant/respondent No.1

Vs.

1. Aurora Educational Society, 1-8-168/2/1, Street No.12, Chikkadpally, Hyderabad, rep. by its General Secretary, N. Ramesh Babu.
2. Aurora's PG College (MBA), Ramanthapur, Hyderabad, rep. by its General Secretary, N. Ramesh Babu.
3. Dr. Ramesh Babu S/o. N. Sitaiah, G2, SBI Colony, Baghamberpet, Hyderabad 500032.
4. The State of Telangana, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Hyderabad.

Respondent/claimants

W.A.No.729/ 2017

Between:

The All India Council for Technical Education,
7th Floor Chandralok Building, Janpath,
New Delhi, Rep. by its Member Secretary.

Appellant/respondent No.1

Vs.

1. Aurora Educational Society, 1-8-168/2/1, Street No.12, Chikkadpally, Hyderabad, rep. by its General Secretary, N. Ramesh Babu.
2. Aurora's PG College (MCA), Ramanthapur, Hyderabad, rep. by its General Secretary, N. Ramesh Babu.
3. Dr. Ramesh Babu S/o. N. Sitaiah, G2, SBI Colony, Baghamberpet, Hyderabad 500032.
4. The State of Telangana, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Hyderabad.

Respondent/claimants

W.A.No.734/ 2017

Between:

The All India Council for Technical Education,
7th Floor Chandralok Building, Janpath,
New Delhi, Rep. by its Member Secretary.

Appellant/respondent No.1

Vs.

1. Ravi Rishi Education Society, G-2 SBI Colony, Bagh Amberpet, Hyderabad, rep. by its General Secretary, N. Raja Babu.
2. Aurora's Scientific Technological & Research Academy, Bandlaguda, Hyderabad, Telangana – 500 005.
3. N. Raja Babu S/o. N. Sitaiah, G2, SBI Colony, Baghamberpet, Hyderabad 500032.

4. The State of Telangana, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Hyderabad.

Respondent/claimants

W.A.No.735/ 2017

Between:

The All India Council for Technical Education,
7th Floor Chandralok Building, Janpath,
New Delhi, Rep. by its Member Secretary.

Appellant/respondent No.1

Vs.

1. Ravi Rishi Education Society, G-2 SBI Colony, Bagh Amberpet, Hyderabad, rep. by its General Secretary, N. Raja Babu.
2. Aurora's Polytechnic Academy, Bandlaguda, Hyderabad, Telangana – 500 005, rep. by its General Secretary N. Raja Babu.
3. N. Raja Babu S/o. N. Sitaiah, G2, SBI Colony, Baghamberpet, Hyderabad 500032.
4. The State of Telangana, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Hyderabad.

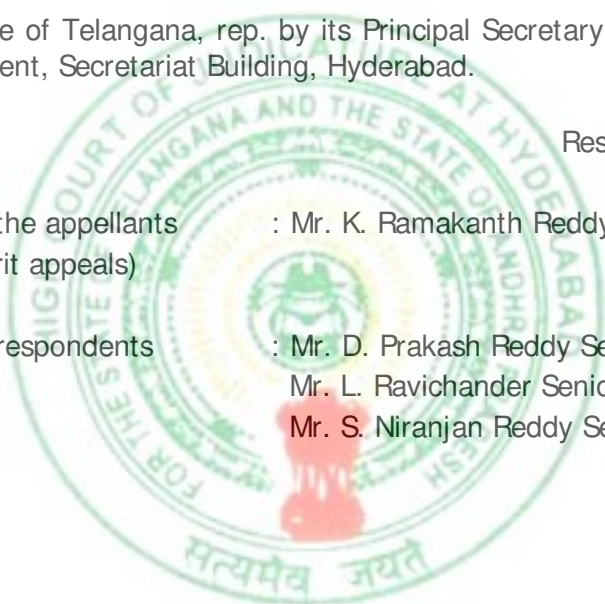
Respondent/claimants

Counsel for the appellants
(in all the writ appeals)

: Mr. K. Ramakanth Reddy

Counsel for respondents

: Mr. D. Prakash Reddy Senior Counsel
Mr. L. Ravichander Senior Counsel
Mr. S. Niranjan Reddy Senior Counsel



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

W.A.Nos.697, 727, 728, 729, 734 & 735 of 2017

And

W.P.Nos.17667, 17669, 18301, 19615 & 19595 of 2017

COMMON ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

Four societies by name (1) Aurora Educational Society, (2) Ravi Rishi Educational Society (3) Church Educational Society and (4) Tarakarama Educational Society, managed by the same set of individuals and running more than about 20 professional colleges and polytechnics filed a set of writ petitions, challenging the orders of AICTE (1) either granting extension of approval for the academic year 2017-18 for a reduced intake of students; (2) or refusing to grant extension of approval for all the courses for the academic year 2017-18; or (3) withdrawing the very approval earlier granted for some of the institutions run by them.

2. While ordering notice in those writ petitions, a learned Judge of this Court granted an interim order suspending the operation of the orders of AICTE impugned in the writ petitions and also directing AICTE to treat the institutions as validly approved institutions for the full sanctioned intake for all the courses, for the academic year 2017-18.

3. Aggrieved by the ex parte interim suspension and interim direction granted by the learned Judge in the first batch of writ petitions, the All India Council for Technical Education has come up with the writ appeals, W.A.Nos.727, 728, 729, 734 and 735 of 2017.

4. Similarly, another society by name Sampati Educational Society running a college by name Seshachala Venkata Subbiah PG college, filed a separate writ petition challenging the order of the AICTE putting the college under "No admission category" for the current academic year. Even in the said writ petition, the learned Judge granted an interim order similar to those passed

in other writ petitions. Challenging the said interim order, the AICTE has come up with a separate writ appeal in W.A.No.697 of 2017.

5. Subsequently a second batch of writ petitions came up before the learned Single Judge and the learned Judge granted interim orders and directed the writ petitions themselves to be posted along with the writ appeals, so that all the cases of the same nature could be dealt with conveniently together.

6. Thus we have on hand six writ appeals and five writ petitions, out of which W.A.No.697 of 2017 alone is by a separate Society known as M/s. Samapati Educational Society, running a college by name Seshachala Venkata Subbaiah PG College. The other five writ appeals and all the four writ petitions are by four societies that form a conglomerate, which we shall conveniently refer to as “Aurora Group of Societies”.

7. We have heard Mr. K. Ramakanth Reddy, learned counsel appearing for AICTE. We have also heard Mr. D. Prakash Reddy, Mr. L. Ravichander and Mr. S. Niranjan Reddy, learned Senior Counsel as well as Mr. Tarun G. Reddy and Mr. P. Panduranga Reddy, learned counsel appearing for the societies running the colleges, who are the writ petitioners and who are the respondents in the writ appeals.

8. For the purpose of easy appreciation, we present below in a tabular column, the details regarding the societies, the colleges and the courses with respect to which the dispute on hand relate and the effect of the order passed by AICTE as against each one of them.

Name of the society	Colleges concerned	Writ Appeal No.	Writ Petition No.	Action taken by AICTE	Reasons stated by the Standing Hearing Committee
Aurora Educational Society	1) Aurora’s Engineering College, Bhonghir	NIL	WP.No.17667 of 2017	Extension of Approval (EOA) for the Academic year 2017-18 granted for a reduced intake of 50% in respect of	1) Institution does not have a valid approval of the building plan by the competent authority. 2) As per available building plan, the infrastructure is not in line with AICTE norms. 3) Land conversion

				the Courses	certificate and NOC from Fire Department not produced. 4) Existing building require revalidation/regularisation of building plans including structure stability certification of the concerned authority.
	2) Aurora's PG College (MBA) Ramanthapur	WA.No.728 of 2017	WP.No.17188 of 2017	Extension of Approval (EOA) for the Academic year 2017-18 granted for a reduced intake of 50% in respect of the Courses	1) Institution does not have a valid approval of the building plan by the competent authority. 2) As per available building plan, the infrastructure is not in line with AICTE norms. 3) Land conversion certificate and NOC from Fire Department not produced. 4) Existing building require revalidation/regularisation of building plans including structure stability certification of the concerned authority.
	3) Aurora's PG College (MCA) Ramanthapur.	WA.No.729 of 2017	WP.No.17187 of 2017	Extension of Approval (EOA) for the Academic year 2017-18 granted for a reduced intake of 50% in respect of the Courses	1) Institution does not have a valid approval of the building plan by the competent authority. 2) As per available building plan, the infrastructure is not in line with AICTE norms. 3) Land conversion certificate and NOC from Fire Department not produced. 4) Existing building require revalidation/regularisation of building plans including structure stability certification of the concerned authority.
	4) Aurora's Business School, Panjagutta	WA.No.727 of 2017	WP.No.17204 of 2017	No Extension of approval for the academic year 2017-18	1) In the sale deed only holding number is mentioned whereas survey plot & municipal plot nos. are missing. 2) The land measuring 1092 sq. yards area as given in the sale deed is less than the AICTE norms. There is no evidence of

					any further addition, alteration and construction at the instance of the Society/Institute. 3) The building construction by society's vendor is not fit for the use of the institution as per AICTE norms. The aforesaid plan and approval of the building in question is not relevant to run this institution under AICTE norms. 4) The institution is running in the building approved for residential purpose.
Ravi Rishi Educational Society, Baghamber pet	1) Aurora's scientific, Technological & Research Academy, Bandlaguda	WA.No.734 of 2017	WP.No.17206 Of 2017	Extension of Approval (EOA) for the Academic year 2017-18 granted for a reduced intake of 50% in respect of the Courses	1) The institute is running in the building constructed for a vidya Kendra in 1981 and 1984. The same building is being used for the first approval from the AICTE in the year 2001 without revalidation of drawings from the relevant authority and at the time for the institute purpose, i.e., floor plans do not show availability of class rooms, laboratories and other essential infrastructure as per the AICTE norms. 2) Also Khasra profile not matching with the site plan and there is no relevant document for occupancy certificate for building of ground + four storied from the competent authority.
	2) Aurora's Polytechnic Academy, Bandlaguda	WA.No.735 of 2017	WP.No.17208 of 2017	No Extension of approval for the academic year 2017-18	The building plan submitted shows that the approval was obtained in 1998 from Gram Panchayat, which stood invalid as this institution was started in urban area in the year 2014-15. This was against the AICTE norms.
Church Educational Society,	Aurora's Scientific & Technological		WP.No.18301 of 2017	The committee recommends	The institute started on leased land and building in 2003 and subsequently it

Baghamberpet	Institute, Ghatkesar			Withdrawal of approval granted to Aurora’s Scientific & Technological Institute, Aushapur (V) Ghatkesar (M), Ranga Reddy District, Telangana. Further the students may be transferred to nearby AICTE approved institutions as per AICTE norms.	was purchased in the year 2009, which is not under the AICTE mandatory norms.
Tarakarama Educational Society, Baghamberpet	Aurora’s Research & Technological Institute, Shayampet		WP.No.17669 of 2017	The institution is put under No Admission category for the academic year 2017-18.	1) The society acquired land by different sale deeds with survey plot Nos. mentioned therein, whereas the building plan of the year 2003 approved in 2006 mentioned only municipal plot Nos. Nothing has been produced before us showing correlation of the survey plot Nos. with concerned municipal plot Nos. Land conversion certificate from agriculture to non-agriculture is not available. Building plan shown basically does not fulfil AICTE norms. Land details given in the aforesaid documents do not tally and are different. 2) During academic year 2014-15 to 2016-17, percentage of admission in this institution varied between 14% to 19% only, which is very poor. In our opinion it is mandatory for this institution to provide the documents, papers, certificates, etc., as per AICTE norms. Hence steps be taken by the institution to rectify the deficiencies

					mentioned above within 6 months.
M/s. Sampati Educational Society,	Seshachala Venkata Subbaiah, PG College, Puttur.	WA.No.697 of 2017	WP.No.17211 of 2017	The institution is put under No Admission category for the academic year 2017-18.	Necessary documents are not presented, deficiency exists.

9. From the above table it is seen that 4 colleges run by Aurora Educational Society, 2 colleges run by Ravi Rishi Educational Society, 1 college run by Church Educational Society, 1 college run by Tarakarama Educational Society and 1 college run by M/s. Sampati Educational Society, are the colleges aggrieved by the action taken by AICTE. In other words 9 colleges affected by the action of the AICTE are before us. Out of the 9 colleges, 8 belong to 4 Societies which are managed and administered by the same set of individuals. One college namely Seshachala Venkata Subbaia PG College run by M/s. Sampati Educational Society does not form part of the same group of colleges which have come to be associated with the brand name Aurora.

10. As seen from the tabulation given above, 4 colleges out of 8 colleges belonging to the same group of societies have been granted Extension of Approval (EOA) for the academic year 2017-18 for a reduced intake of 50% and 2 Colleges out of those 8 have been denied extension of approval for 2017-18. One college out of those 8 has been put under “No Admission Category” for the year 2017-18. In respect of one college, AICTE has withdrawn approval.

11. In so far as the ninth college that has come up before us, namely, ‘Seshachala Venkata Subbaia PG College which is run by a different society is concerned, the same has been put under “No Admission Category”.

12. Before proceeding further we must point out that in Column No. 6 of the tabulation given above, we have extracted the recommendations of the Standing Hearing Committee of AICTE, which forms the basis for ultimate action taken by AICTE either for reduction of intake or for listing the college under ‘No Admission’ Category or for Withdrawal of approval. The reason as to why we

have extracted only the recommendation of the Standing Hearing Committee in Column No.6 of the above table is that most of the other portions of the impugned orders in all the cases constitute only the preamble as well as a tabulation containing the deficiencies allegedly noted by the Scrutiny Committee and the observation made by the Standing Hearing Committee. Therefore, it is clear from each of the orders impugned in all the Writ Petitions that the recommendation of the Standing Hearing Committee is the soul of the order impugned.

13. It may be pointed out at this juncture that the orders of the AICTE impugned in each of the Writ Petitions comprise of 12 paragraphs. Paragraphs 1 to 3 merely speak about the statutory sanction given to AICTE and the framing of the regulations. Paragraph 4 of the order speaks about the year in which approval was first given to the college. Paragraphs 5 and 6 speak about the receipt of some information and the scrutiny of documents by the AICTE. Paragraph 7 speaks about the issuance of a show cause notice and paragraphs 8 and 9 speak about the challenge to the show cause notice and the order passed by this court in previous batch of Writ Petitions.

14. Paragraph 10 of the orders of the AICTE impugned in the present batch of cases comprises of two parts. The first contains a tabular column listing out 1) the deficiencies noted by the scrutiny committee; and 2) the observations made by the standing hearing committee. The second part of paragraph 10 comprises of the recommendation of the Standing Hearing Committee.

15. Paragraph 11 of all the impugned orders contains the ultimate action taken, viz., that of ordering the reduction of intake or withdrawal of approval etc. Therefore the foundation for the conclusions reached in each of these cases, is to be found only in the second part of paragraph 10 of the impugned orders. This is why we have extracted only the recommendations of the Standing Hearing Committee in Column No. 6 of the table given in paragraph No.8 above.

16. It is interesting to note that in all the cases before us, the action by AICTE has purportedly been triggered by '*an information that the society*

under which the institute is running, submitted forged document while establishing the institute'. This is what is stated uniformly in para-5 of all the impugned orders passed against all the institutions run by the Aurora group.

17. Another fact as culled out from paragraph 4 (in one case it is para 5) of each of the impugned orders of the AICTE is that the colleges in question were established at least 4 to 22 years ago and they have had Extension of Approvals from AICTE year after year. For the purpose of easy appreciation we give below in a tabular column 1) the name of the college; 2) the Writ Petition and the Writ Appeal, wherever applicable; and 3) the year of establishment even according to AICTE.

Name of the College	Writ Petition and Writ Appeal wherever applicable	The Year of establishment even according to AICTE
Aurora's Engineering College	WP. No. 17667 of 2017	Academic year 1999-2000
Aurora's PG College(MBA)	WP. No. 17188 of 2017 and WA. No. 728 of 2017	Academic Year 1995-1996
Aurora's PG College(MCA)	WP. No. 17187 of 2017 and WA. No. 729 of 2017	Academic Year 1996-1997
Aurora's Business School	WP. No. 17204 of 2017 and WA. No. 727 of 2017	Academic Year 1996-1997
Aurora's Scientific Technological & Research Academy	WP. No.17206 of 2017 and WA. No. 734 of 2017	Academic Year 2001-2002
Aurora's Politechnic Academy	WP. No. 17208 of 2017 and WA. No. 735 of 2017	Academic Year 2014-2015
Aurora's Scientific and Technological Institute	WP. No. 18301 of 2017	Academic year 2003-2004
Aurora's Research and Technological Institute	WP. No. 17669 of 2017	Academic year 1999-2000
SeshachalaVenkataSubbaiah PG College	WP. No. 17211 of 2017 and WA. No. 697 of 2017	Academic Year 2010-2011

18. In the background of the above facts, taking into consideration the existence of these colleges for a long period of time, the learned Judge granted interim reliefs in favour of the colleges. The nature of the reliefs granted by the learned Judge is projected in a tabulation as follows:

Writ Petition No.	Interim Order passed	Writ Appeal No.
W.P.No.17667/2017	There shall be an interim suspension of the impugned Order (Action of the AICTE in reducing the intake of the students by 50% in all courses for the academic year 2017-18) on the following conditions: a) The Petitioner shall disclose to the students who are seeking admission in the 2 nd Petitioner/College about the pendency of this writ petition. b) An undertaking shall be taken from the students, who are joining in the 2 nd Petitioner/College indicating their awareness about the litigation and that they will not claim any equities later.	NIL
W.P.No.17188/2017	There shall be interim suspension of the impugned Order and interim direction as prayed for. Interim direction prayed for is to direct the respondents to treat the 2 nd Petitioner Institution as a validly approved institution with the full sanctioned intake for all the courses for the academic year 2017-18 including by suspending the AICTE's order vide F.No.SouthCentral/1-3325607378/2017/ EOA and F.No.AICTE/AB/ SOUTHCENTRAL/PID 1-10437914 dated 30.04.2017 where the Institutions intake was reduced by 50% for all courses.	W.A.No.728/2017
W.P.No.17187/2017	There shall be an interim suspension of the impugned Order (Action of AICTE in reducing the intake by 50% for all the courses for the academic year 2017-18 by passing an order dated 30.04.2017 in F.No.SouthCentral/1-3326719600/2017/ EOA and FF.No. AICTE/AB/SOUTHCENTRAL/ PID 1-8578781) and interim direction as prayed for. The Interim direction prayed for is to direct the 1 st respondent to grant approval for the full sanctioned intake for all the courses for the academic year 2017-18	W.A.No.729/2017
W.P.No.17204/2017	There shall be interim suspension of the impugned Order (AICTE's Order vide F.No.SOUTHCENTRAL/1-3326711482/ 2017/NO Admission and F.No. AICTE/ AB/SOUTHCENTRAL/PID 1-20044874 dated 30.04.2017 granting zero admission in the second Petitioner institution) and interim direction as	W.A.No.727/2017

	prayed for. The interim direction prayed for is to direct the AICTE to treat the second Petitioner institution as validly approved institution with the full sanctioned intake for all the courses for the academic year 2017-18.	
W.P.No.17206/2017	There shall be interim suspension of the impugned Order (intake capacity of the Petitioner institution is reduced to 50% by AICTE's Orders vide F.No.SouthCentral/1-3326673646/2017/EOA and F.No.AICTE /AB/SOUTHCENTRAL/PID 1-8595181 dated 30.04.2017)) and interim direction as prayed for. The interim direction prayed for is to direct the AICTE to treat the second petitioner institution as a validly approved institution with full sanctioned intake for all the courses for the academic year 2017-18.	W.A.No.734/2017
W.P.No.17208/2017	There shall be interim suspension of the impugned Order (The Petitioner institution is deprived of admitting students for the academic year 2017-18 by AICTE's Orders vide F.No. AICTE/AB/SOUTHCENTRAL /PID 1-20834482521 and F.No. SOUTHCENTRAL/ 1-3325859533/2017/ NO Admission dated 30.04.2017) and interim direction prayed for. The interim direction prayed for is to direct the AICTE to treat the second petitioner institution as a validly approved institution with the full sanctioned intake for all the course for the academic year 2017-17.	W.A.No.735/2017
W.P.No.18301/2017	There shall be interim suspension of the impugned Order (Action of the AICTE in Ordering withdrawal of the approval of the 2 nd Petitioner-college) on the following conditions: a) The Petitioners shall disclose to the students, who are seeking admission in the 2 nd Petitioner/College about the pendency of this Writ Petition. b) An undertaking shall be taken from the students, who are joining in the 2 nd Petitioner/College indicating their awareness about the litigation and that they will not claim any equities later.	NIL
W.P.No.17669/2017	There shall be interim Suspension of the impugned Order(Action of AICTE in ordering "No admission" to the 2 nd Petitioner College in all the courses for the academic year 2017-18) on the following conditions: a) The Petitioners shall disclose to the students, who are seeking admission in the 2 nd Petitioner/College about the pendency of the Writ Petition. b) An undertaking shall be taken from the students, who are joining in the 2 nd Petitioner/College indicating their	NIL

	awareness about the litigation and that they will not claim any equities later.	
W.P.No.17211/2017	There shall be interim suspension of the impugned Order (For the academic year 2017-18, Petitioner-institution is not allowed to make admissions) and interim direction as prayed for. The interim direction prayed for is to direct the AICTE to grant approval for the full sanctioned intake for all the courses of the Petitioner-institution for the academic year 2017-1	W.A.No.697/2017

19. Assailing the interim reliefs granted by the learned Single Judge, it is contended by Mr. K. Ramakanth Reddy, learned Standing Counsel for AICTE that it is the mandate of the Regulations issued by AICTE that to be eligible for the grant of approval, the colleges should have acquired title to the land and must have obtained approval for the construction of the buildings, which are suitable for running an academic institution. According to the learned Standing Counsel, the colleges before the learned Single Judge were demonstrably guilty of either not in possession of clear documents of title for the entire extent or not in possession of a building plan validly approved by the competent authority. Being a regulatory body vested with the power and duty to ensure the fulfilment of various criteria for the grant of approval, the AICTE issues an Approval Process Handbook every year. The colleges, which do not satisfy the criteria prescribed by the regulations and the Approval Process Handbook, cannot claim extension of approval, as a matter of right and hence, the learned Standing Counsel contended that the grant of an interim relief *ex parte* at the stage of admission in a vacation Court was contrary to law. It is also contended by the learned Standing counsel that the Court has no power to grant an interim relief beyond the cut off date prescribed by the Supreme Court.

20. In response to the above, it is contended by the learned Senior Counsel and the learned counsel appearing for the colleges that the impugned orders have been passed without proper verification of documents; that everyone of these colleges had obtained building plan approvals from the authorities that were competent to issue approvals at the time when the

buildings were constructed; that when there is no allegation that these colleges lack infrastructure or sufficient number of faculties or the required laboratory equipments, it was not open to the AICTE to order the reduction of the intake arbitrarily in some cases and to direct the withdrawal of approvals in a few cases. It is the further contention of the learned counsel appearing for the colleges that these colleges were granted approvals, even admittedly long time ago and these approvals have been renewed from time to time. According to the learned Senior Counsel appearing for the colleges, extension of approvals were granted in the past, only after a physical inspection of the colleges by the Expert Committee constituted by AICTE. Therefore, it is their contention that the learned Judge was right in granting interim reliefs by taking into account the *prima facie* case, balance of convenience and irreparable hardship.

21. We have carefully considered the rival contentions.

22. At the out set it should be pointed out –

i) That even according to AICTE, one out of the 9 colleges before us was established in the year 1995-1996, two of them were established in the year 1996-1997, two of them were established in the year 1999-2000, one was established in 2001-2002, one was established in 2003-2004, one was established in 2010-2011 and the remaining one was established in 2014-15.

ii) That right from the year of establishment until the academic year 2016-2017, these institutions were granted extension of approval year after year;

iii) That no deficiencies either in the matter of qualified faculties or with regard to laboratory equipments allegedly exist in any of these 9 colleges;

iv) That even the affiliating university has granted affiliation year after year both on the basis of the approvals granted by AICTE and on the basis of its own independent appraisal;

v) That until the advent of a new set of regulations enabling AICTE to grant approval merely on the basis of data uploaded in the online portal, without

any physical verification, AICTE presumably carry out physical inspections of these institutions and found nothing wrong with them; and

vi) That even now what has bothered AICTE is only the documentation relating to building plan approval and not the existence or otherwise of the buildings in which the colleges are run.

23. Keeping in mind the above facts, which are not controverted, if we go back to the orders of AICTE impugned in all the writ petitions, it could be seen that in all the orders passed against Aurora Group of Colleges, it is stated uniformly that some information was received by AICTE that the institute had submitted forged documents. But unfortunately neither the show cause notices dated 08.03.2017 nor the orders impugned in the writ petitions, disclose (1) either the source of information or (2) the nature of the forgery committed by the institutions. When the writ appeals were argued, we made a pointed query to Mr. K. Ramakanth Reddy, learned Standing Counsel for AICTE about the basis on which such a serious allegation of forgery has been made. In response to the said query Mr. K. Ramakanth Reddy, learned Standing Counsel for AICTE submitted a bunch of papers, exclusively for the benefit of the Court. Actually, we are not obliged to look into the bunch of papers passed on by the learned Standing Counsel for AICTE, for the simple reason that the very serious allegation of forgery cannot be sought to be established through confidential documents, without even making the individuals against whom such an allegation is made aware of those allegations. Nevertheless, we went through the bunch of documents. In the bunch of documents, there is a report dated 30.05.2016 sent by the Regional Officer of AICTE, Hyderabad to the Approval Bureau of AICTE to the effect that in some cases the building plans submitted by the colleges were referred to the Executive Officer of Panchayats and that those Panchayats denied having issued any approvals.

24. Though the aforesaid report is dated 30.05.2016, AICTE chose to issue show cause notices in these cases only in March, 2017 and reasons for the same are not decipherable from those records.

25. We are also unable to comprehend the reasons as to why AICTE did not include in the show cause notices, the correspondence between AICTE and the local bodies, which purportedly granted building plan approvals.

26. As we have pointed out earlier, an allegation of forgery is so serious in nature that any benefit conferred by any authority upon the person, who committed forgery, would be a nullity. Therefore, no authority can simply make an allegation of forgery (1) without specifying what is the nature of the forgery; (2) without putting the person concerned on notice of the nature of the forgery; and (3) without supplying copies of the documents on the basis of which the allegation is made.

27. Perhaps realising the above position in law, AICTE has been careful enough merely to make a vague allegation of forgery in the preamble to the impugned orders without elaborating either the nature of the forgery or the basis for such allegation. After making a vague and passing reference to the allegation of forgery, in the preamble to the impugned orders, AICTE chose not to draw its conclusions on the basis of allegations of forgery, but to draw its conclusions only on the basis of the recommendations of the Standing Hearing Committee.

28. Therefore, it is not open to AICTE now to fall back upon any allegations of forgery, when the ultimate action taken either to reduce the intake or to withdraw the approval was not on the basis of allegations of forgery but on the basis of the recommendations of the Standing Hearing Committee, not touching upon this allegation. In fact if allegations of forgery had been specifically made with reference to evidence and also held proved, AICTE will not even be competent to grant extension of approval for a reduced intake, as forgery and fraud would vitiate all solemn acts. Therefore, we have to first reject the theory of forgery floated in thin air by AICTE.

29. Once the theory of forgery made as a passing reference in the impugned orders is taken out, the flesh and blood go out of the impugned orders and what remains is only the skeleton. This relates to the question as to whether the documentation relating to the ownership of lands is proper and perfect and

whether the buildings, in which these colleges are run, were approved by a competent or incompetent authority.

30. A dispute has been raised that the building plan approvals for these colleges were granted only by authorities who were competent at the time when the buildings were put up and that the documentation relating to title is available intact. Therefore, the learned Judge was naturally inclined to grant interim reliefs, since these 9 colleges were not applying for approval for the first time, but already in existence for quite some time. We do not think that any other course of action could have been adopted by the learned Judge in the circumstances narrated above.

31. Another important aspect to be borne in mind is that the physical inspection of colleges year after year was dispensed with by AICTE only after 2007. The learned Senior Counsel and the learned counsel appearing for the colleges produced copies of the correspondence in which AICTE proposed to send a team of experts for inspection during the previous years. AICTE has not taken a stand either in the writ appeals or even in the orders impugned in the writ petitions that they never had any occasion to have an inspection conducted on these colleges. It is seen from the impugned orders that by sitting within the four walls of a room and perusing the very same documents on the basis of which approvals were earlier granted, the Standing Hearing Committee has come to a different conclusion for the academic year 2017-2018. We could have appreciated the efforts of the AICTE at least if a team of experts had visited the colleges, recorded findings and passed the orders in question. It did not happen. Therefore, we do not think that the learned Judge was wrong in granting the interim orders in favour of these institutions.

32. In respect of one institution, one of the objections taken by the Standing Hearing Committee was that the land, in which the building is put up, is earmarked for a residential zone. But a serious dispute is raised to the effect that as per the Zoning Regulations, educational institutions are permitted to be located in residential zones. When serious disputes of this nature are raised, the

balance of convenience was in favour of allowing the status quo to continue. It would have been a different matter if the cases of these colleges had come up for the first time for the grant of approval. We must remember at the cost of repetition that we are dealing with cases of extension of approvals with respect to institutions that are in existence for the past 4 to 22 years. Therefore, we are of the considered view that the learned Judge was right in granting the interim reliefs.

32. An issue was sought to be raised by Mr. K. Ramakanth Reddy, learned Standing Counsel for AICTE that the buildings in which these colleges are functioning, are not even suited to house educational institutions. But such a statement was made not on the basis of any physical inspection carried out by any officer or team of officials from AICTE. When this was pointed out, the learned Standing Counsel for AICTE, on instructions, submitted that AICTE may be permitted to carry out a physical inspection and submit a report to this Court.

33. But we do not think that AICTE requires our permission to perform the statutory duty conferred upon them.

34. Therefore, leaving it open to the AICTE to conduct a physical inspection of these colleges, if they so desire and to take appropriate action, we dismiss all the writ appeals. The interim reliefs already granted in the writ petitions, which are posted along with the writ appeals are confirmed.

35. In the result, the Writ Appeals are dismissed. Post all the writ petitions including those against which writ appeals are filed and against which no writ appeals are filed, (except those that normally come up before the Division Bench) before the Single Judge having the roster, for final hearing after completion of pleadings. In the meantime, if AICTE carries out a physical inspection, it will be open to AICTE to file a report of such inspection before the learned Single Judge and seek appropriate orders.

36. As a sequel, miscellaneous petitions pending in these writ appeals, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANI AN

JUSTICE N. BALAYOGI

29th June, 2017
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

W.A.Nos.697, 727, 728, 729, 734 & 735 of 2017
And
W.P.Nos.17667, 17669, 18301, 19615 & 19595 of 2017

(Per VRS,J)



29th June, 2017

Js.