

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

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**CWP No.8906 of 2017 (O&M)**

**Date of Decision : 04.08.2017**

K.C. Social Welfare Trust and another ..... Petitioners

Versus

All India Council for Technical Education and others ..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. Sanjeev Pandit, Advocate  
for the petitioners.

Mr. K.K. Gupta, Advocate  
for the respondents.

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**AJAY TEWARI, J. (Oral)**

By this petition the petitioners have challenged the order of the respondent No.3-Standing Appellate Committee, AICTE rejecting their case for starting B-Pharma & D-Pharma Courses (Diploma of Pharmacy) in their College.

The admitted facts are that the petitioners had applied for the Session 2017-2018 and on 16.03.2017 the Expert Visiting Committee (EVC) went to the Campus but by report dated 08.04.2017 the EVC opined that there were various deficiencies. The petitioners then moved an appeal which was also rejected by the Standing Appellate Committee by report dated 16.04.2017 (Annexure P-5) wherein it was noticed that though some of the deficiencies pointed out by the EVC was removed but some were still existing, against which the petitioners moved a representation dated

22.04.2017 wherein they mentioned as follows:-

*“By this letter we request you to consider our request to appeal for Re-standing Appellate Committee Meeting. As deficiencies pointed out by the SAC are not exist or if so are very minor and the rejection is not a correct action on due application.”*

Since no response was received to this letter the present petition was filed. Learned counsel for the petitioners has argued that it was most unfair and illegal for the AICTE not to conduct re-inspection of the College of the petitioners after the letter dated 22.04.2017, more so since they did it for other colleges as is evident by document Annexure P-7.

Learned counsel for the respondents points out that in the first place even before the Standing Appellate Authority the petitioners could have succeeded had they claimed that the report of the EVC was wrong and if the report of the Expert Visiting Committee was correct then the petitioners had no right to claim that it be allowed admission for the Session 2017-2018. Despite that the petitioners' case could have been considered if they had made up the deficiencies by the time they filed their appeal but it is clear from the letter dated 22.04.2017 itself that the petitioners admit that there were some minor deficiencies which were removed after the appellate order.

I find considerable weight in the argument of the learned counsel for the respondents. As per the AICTE Act and the Norms a College has to have all the infrastructure ready at the time when it offers itself for inspection. No doubt the AICTE may allow admission if it is found that there were some small deficiencies which were cured by the time

the matter comes up before the Standing Appellate Committee but that can

never be a matter of right. In the present case, even the last appeal made by the petitioners on 22.04.2017 reveals that it had admitted that there were still some minor deficiencies. In the circumstances, no fault can be found with action of the respondents.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 04, 2017  
*ashish*

( AJAY TEWARI )  
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No