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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 112/2017

L R INSTITUTE OF ENGINEERING AND TECHNOLOGY

..... Appellant

Through: Mr. Amitesh Kumar with
Mr. Shashank Shekhar Singh, Advs.

Versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION & ORS

..... Respondent

Through: Mr. Anil Soni, Adv. for R-1.

+ LPA 113/2017

L R POLYTECHNIC

..... Appellant

Through: Mr. Amitesh Kumar with
Mr. Shashank Shekhar Singh, Advs.

Versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION & ORS

..... Respondents

Through: Mr. Anil Soni, Adv. for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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13.02.2017

**CM Nos.5625/2017 (exemption) & 5626/2017 (exemption) in LPA
No.112/2017**

**CM Nos.5631/2017 (exemption) & 5632/2017 (exemption) in LPA
No.113/2017**

Allowed, subject to all just exceptions.

The applications stand disposed of.

LPA No.112/2017

LPA No.113/2017

The petitioner in W.P.(C) No.6457/2016 and the petitioner in W.P.(C) No.6771/2016 are the appellants in these two appeals.

By the orders under appeal, the learned Single Judge dismissed C.M. No.3533/2017 and C.M. No.3532/2017 holding as under:

“6. Having heard and considered the submissions made by the learned counsel for the parties, suffice to state that the petition has been filed by the petitioner with regard to the withdrawal of approval for the year 2016-17. The relief as prayed for in the application is primarily for the year 2017-18. The plea of Mr. Kumar, that if the petitioner succeeds in the writ petition, the petitioner may save time, as the process of extension of approval may take some time, is appealing but that can't be a ground to allow the prayer made in the application unless, a prima facie case exist. The plea of Mr. Kumar that no deficiencies exist, rather the faculty and the infrastructure are surplus, is countered by Mr. Soni on the basis of certain other deficiencies, which can't be ignored. That apart, I note, that the effect of clause 1.2 of Approval Process Handbook 2016-17 clearly stipulates that in case of withdrawal the Institute cannot start its operation before the completion of two years from the date of withdrawal at the same location and address and it has to apply afresh for approval as per the procedure for setting up a new Institute as defined in Chapter 1. The submission made by Mr. Soni that even if the name of the petitioner has been shown in the list of Institutes eligible for restoration in 2017-18, the petitioner was not given access to the portal in view of clause 1.2, is appealing.”

Having heard the learned counsel for both the parties, we fully concur with the view of the learned Single Judge that the appellants/petitioners are not entitled to the relief sought for unless they succeed in the writ petitions.

However, the learned counsel appearing for the appellants seeks to draw a parity with Christian College of Engineering and Technology and other institutions which are stated to have been permitted by AICTE to apply online for the Academic Year 2017-18, subject to the final outcome of the pending writ petitions.

Even assuming that such permission was granted by AICTE to some of the institutions, according to us, the same gives rise to a new cause of action and the appellants, if aggrieved, may work out the appropriate remedy as available under law for redressal of their grievance.

Hence, we are not inclined to entertain these appeals and the same are accordingly dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

FEBRUARY 13, 2017

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