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

+ LPA 272/2017

CHILDRENS ACADEMIC SOCIETY Appellant

Through: Mr. Anand Varma, Advocate.

versus

ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION

..... Respondent

Through: Mr. Anil Soni, CGSC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

09.08.2017

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In the course of hearing, our attention has been drawn to the order passed by a Division Bench of this Court in LPA No.540/2015 titled ***ACN College of Pharmacy Vs. All India Council for Technical Education*** decided on 07.01.2016. In this decision, the Division Bench has observed in paragraph 8 as follows:

“8. The law is also well settled that grant of recognition is neither a matter of course nor is it a formality. The conditions of recognition and duly notified directions controlling the admission process are to be construed and applied stricto sensu. Therefore, though it is open to the appellant to place reliance upon the findings of SAC of AICTE while making a fresh application for the Academic Year 2016-17, in our considered opinion, no Mandamus can be issued by this Court for grant of approval for the Academic Year 2016-17 on the basis of the application made by appellant for the Academic Year 2015-16.”

There is no dispute that in terms of the schedule fixed by the Supreme Court in *Parshavanath Charitable Trust & Others Vs. All India Council for Technical Education & Others*, (2013) 3 SCC 385, the appellant is, in any event, not entitled to seek approval in respect of the academic session 2017-18.

Learned counsel for the appellant has also submitted that the appellant is now interested in pursuing its case for approval in respect of the academic session 2018-19.

In view of the order passed in *ACN College of Pharmacy* (supra), it shall be open to the appellant to make a fresh application to the AICTE. Mr. Soni has submitted that if and when an application is made, it shall be considered on its own merits. In terms of the orders passed in *ACN College of Pharmacy* (supra), the findings of the SAC of the AICTE made in its earlier reports, including the report dated 12.09.2016 and EVC dated 22.04.2017 shall be taken into consideration. We make it clear that in case there are any deficiencies, it shall be for the appellant to clear the same to seek approval of the AICTE.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 09, 2017

B.S. Rohella