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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7397/2016**
CHILDRENS ACADEMIC SOCIETY

..... Petitioner

Through: Mr.Anand Varma & Ms.Shubhangi
Jain, Advs.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

..... Respondent

Through: Mr. Anil Soni, SC with Mr. Naginder
Benipal, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **20.03.2017**

1. The present petition has been filed by the petitioner with the following prayers:

- (I) An appropriate writ, order or direction quashing letter dated 30.04.2016, bearing F.No.North-West/2016/1-284395073_LOR, issued by the Respondent;*
- (II) An appropriate writ, order ore direction directing the Respondent Council to grant recognition to the Petitioner as a new institute imparting diploma in pharmacy;*
- (III) Pass any other or further orders in the interests of justice, equity and good conscience.*

2. Mr.Anand Varma, the learned counsel appearing for the petitioner would state, the petitioner had applied for recognition as a new Institute imparting Diploma in Pharmacy, with effect from academic year 2016-17.

He states, the application of the petitioner was evaluated by the Expert Scrutiny Committee (ESC) on March 7, 2016. The Expert Scrutiny Committee did not accept two documents submitted by the petitioner i.e. the Site Plan of the Institute as well as the Complete Building Plan, on the premise that the Sarpanch was not the competent authority for sanctioning building plans as per the AICTE list. On March 15, 2016, the petitioner's application was evaluated by the Re-Scrutiny Committee. The Re-Scrutiny Committee also did not accept the Site Plan and the Complete Building Plan submitted by the petitioner. The application of the petitioner was taken up by the Standing Appellate Committee (SAC) on April 12, 2016. The SAC rejected the observations of the Scrutiny Committee and the Re-Scrutiny Committee and accepted the Site Plan as well as the Complete Building Plan as approved by the Zila Parishad. The SAC also recommended for an Expert Visit Committee (EVC). Pursuant to the recommendation of the SAC, the Expert Visit Committee visited the petitioner's college on April 15, 2016. Thereafter, an email was received by the petitioner asking it to appear before the SAC on April 25, 2016. The said email contained an attachment, wherein, the EVC had noted eight deficiencies. The petitioner was asked to bring all the necessary documents/evidence in support of the

deficiencies before the Standing Appellate Committee.

3. It is the case of the petitioner that it produced all the necessary documents before the SAC on April 25, 2016. It is the case of the petitioner, despite producing the same, the SAC, without considering the petitioner's submissions and documents, rejected the application vide the impugned letter dated April 30, 2016.

4. During the course of submissions my attention has been drawn to the order dated August 22, 2016, wherein this Court has noted the submission made by the learned counsel for the petitioner that the petitioner has now rectified all the deficiencies pointed out by the respondent and prayed that the Institute of the petitioner be re-inspected at the cost of the petitioner. It is a matter of record that pursuant to the said order, the inspection was carried out and report has been filed on the record of this Court.

5. The submission of Mr. Varma that the petitioner had cleared all the deficiencies, as pointed by E.V.C. on April 15, 2016 by submitting the documents during the hearing before the SAC on April 25, 2016, is at variance with the submission made by him on August 22, 2016 before this Court when he has stated that the petitioner has since removed all the deficiencies as pointed out by the respondent. If that be so, the impugned

letter dated April 30, 2016 issued by the respondent is justified inasmuch deficiencies did existed on April 30, 2016, the last date for granting approval for the academic session 2016-17, in view of the judgment of the Supreme Court in the case of *Parshavnath Charitable Trust and Others Vs. All india Council for Technical Education & Others and connected Civil Appeals, (2013) 3 SCC 385*. As noted, the prayer is only limited to the quashing of letter dated April 30, 2016 which, this Court has found to be justified, the petitioner is not entitled to the relief as prayed for, in the writ petition. The writ petition is dismissed.

V. KAMESWAR RAO, J

MARCH 20, 2017/ak