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

+ LPA 357/2017 & CM Nos.17787-88/2017

% Date of decision : 12th May, 2017

TRINITY INSTITUTE OF INNOVATION IN
PROFESSIONAL STUDIES & ANR

..... Appellants

Through : Mr. R.K. Saini, Ms. Asha Jain
Madan, Ms. Minal Sehgal and
Mr. Varun Nagrath, Advs.

versus

GGSSIP UNIVERSITY & ANR

... Respondents

Through : Mr. Mukul Talwar, Sr. Adv.
with Mr. Sradhananda
Mohapatra, Adv. for R-1.
Mr. Shadan Farasat and Mr.
Ahmed Said, Advs. for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

CM No.17788/2017

Allowed, subject to just exceptions.

The application is disposed of.

LPA No.357/2017

1. By way of this appeal, the appellants assail an order dated 27th
April, 2017 passed in W.P.(C)No.2465/2017.

2. It appears that aggrieved by the action of the Guru Gobind Singh Indraprastha University (“*GGSIP University*” hereafter) (respondent no.1 herein) by refusing to consider the prayer of the appellants for affiliation of its institution. The appellant no.2 established an institute on the land allotted to it by the Greater Noida Industrial Development Authority (U.P.) with the intention of commencing academic activities for the session 2017-18. For this purpose, the appellants sought affiliation with the GGSIP University - respondent no.1 which is exercising statutory functions under the provisions of GGSIP Act, 1998.

3. This application of the appellants to the respondent no.1 for affiliation of its proposed educational institution was not accepted by the respondent no.1 for the reason that it had taken a policy decision not to permit the applications with regard to the institutions located outside NCT of Delhi. Aggrieved thereby, the appellants filed the writ petition being W.P.(C)No.2465/2017. This writ petition was accompanied by an interim application being CM No.17244/2017.

4. The record placed before us would show that apart from the appellant institution, five other institutions located in the National Capital Region whose applications for affiliation, were not considered for the same reasons as the appellants. These institutions have filed writ petitions being W.P.(C)Nos.2798/2017, 3148/2017, 2377/2017, 2393/2017 and 2955/2017 seeking therein identical prayers as by the present appellants in W.P.(C)No.2465/2017. Notice to show cause

was issued in these writ petitions including the petitioners in W.P.(C)No.2465/2017. The respondents which, included the GGSIP University as well as the Government of NCT of Delhi, as the party respondents. All these writ petitions were clubbed together for hearing.

5. Though common time bound directions for completion of pleadings were given, the pleadings in the matter could not be completed. On the 27th of April 2017, the Id. Single Judge directed all the writ petitions to be listed on the 31st of May 2017 at the end of the Board.

6. Seeking expeditious hearing of the matter, the petitioner, on 4th May, 2017, filed an application being CM No.17244/2017, seeking as prayer (a) pre-ponement of hearing and as prayer (b) appropriate orders on the application for interim stay. This application was considered by the Id. Single Judge on 5th of May 2017 who recorded that the court was not inclined to prepone the date of hearing in view of the position of the Board. So far as the prayer (b) was concerned, the Id. Single Judge noted that the previous application for interim relief being CM No.10633/2017 was already pending and further that the matter was already listed for 31st of May 2017.

7. The present appeal has been filed by the appellant who complains that the applicant was entitled to the consideration of the prayer for interim relief whereby the directions were sought to the respondent no.1 University to permit the filing of the application for

affiliation and its consideration.

8. We have heard ld. counsel for the appellant at great length. Mr. R.K. Saini, ld. counsel for the appellants submits that the respondents have no jurisdiction to restrict the affiliation to institutions within Delhi and that their action is arbitrary, discriminatory and unfair.

9. It is noteworthy that so far as the impugned order is concerned, the pre-ponement of hearing was not accepted only in view of the position of the Board. The ld. Single Judge has also rightly noted that so far as the interim relief is concerned, the application in this regard which was filed along with the writ petition being CM No.10633/2017, was pending. Mr. R.K. Saini, ld. counsel for the appellants makes a complaint before us that no orders have been passed on this application. Inasmuch as the application has been filed along with the writ petition, it appears that the same is intended to be taken up with the writ petition.

10. The appellant presses the prayer for interim relief before us. A prayer is made that without prejudice to the rival contentions, the application of the appellant may be accepted by the respondents and they be directed to consider the same and to also conduct inspection of the institution of the appellants.

11. We are also informed that one of the above writ petitioners, noted above, had filed *LPA No.352/2017, Delhi Institute of Technology & Management v. Guru Gobind Singh Indraprastha University & Anr.* in which on 9th May, 2017, we had recorded the

following order :

“1. The matter shall be posted before the ld. Single Judge on 25th May, 2017 to enable the parties to make a request for an expedited hearing, if the Board of ld. Single Judge permits so.

2. List writ petition being W.P.(C)No.2955/2017 for directions before the ld. Single Judge on 25th May, 2017.

3. This appeal as well as applications are disposed of in the above terms.

Dasti to parties.”

12. In order to maintain parity of treatment, it is directed that this matter shall also be placed before the ld. Single Judge on the 25th May, 2017 to enable the parties to make a similar request as the appellants in LPA No.352/2017 for expedited hearing, if the Board of ld. Single Judge permits so.

13. List writ petition being W.P.(C)No.2465/2017 for directions before the ld. Single Judge on 25th May, 2017.

14. This appeal as well as pending application are disposed of in the above terms.

Dasti to parties.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

MAY 12, 2017

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1. After we passed the above order, Mr. R.K. Saini, ld. counsel for the appellants has appeared and requests that the appellants are

suffering extreme loss and prejudice therefore, the date before the Id. Single Judge may be preponed. Ms. Anita Sahni, Advocate is present on behalf of the respondent no.1 University.

2. It is accordingly directed that W.P.(C)Nos.2465/2017, 2798/2017, 3148/2017, 2377/2017, 2393/2017 and 2955/2017 be listed before the Id. Single Judge on the 17th May, 2017 for directions.

3. It shall be the responsibility of Mr. R.K. Saini, Id. counsel for the appellants to inform about the next date i.e. 17th May, 2017 before the Id. Single Judge in writing to all the parties in the above mentioned matters and place the proof of having so informed in the record of W.P.(C)No.2465/2017.

Dasti under the signatures of Court Master to parties.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

MAY 12, 2017

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