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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6369/2017

SANTOSH COLLEGE OF PHARMCY

..... Petitioner

Through Mr. Mayank Manish and Ms. Rani,
Advs.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

..... Respondent

Through Mr. Anil Soni, Standing Counsel.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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26.07.2017

The petitioner is aggrieved by the letter dated 30.04.2017 issued by the respondent wherein the application of the petitioner seeking affiliation stood rejected.

Record shows that the petitioner had submitted his application in February, 2017 for grant of an approval from the respondent for running a diploma course of pharmacy under the name and style of Santosh College of Pharmacy at Ibrahimpur, Junedpur Urf Mojpur, Junction road, Khurja, Uttar Pradesh. This was for the academic year 2017-2018. This application of the petitioner was processed on the basis of the documents which were submitted by the petitioner. This was in March, 2017. On 08.04.2017, a letter of rejection was issued by the respondent as deficiencies were noted. The petitioner appeared before the Appeal Committee on 15.04.2017 along with his relevant documents. On 22.04.2017, the expert team of the respondent visited

the petitioner's Institute. His case was rejected on 30.04.2017 but this information was uploaded at the site of the respondent only on 01.05.2017. The petitioner is aggrieved.

At the outset, his submission is that although his case has been rejected but his same application may be considered for the next academic year i.e. 2018-2019.

On advance notice, learned counsel for the respondent has put in appearance. His submission is that such exigency cannot be considered and the petitioner will have to apply afresh and the law on the proposition is well settled. He has placed reliance on a judgment of the Division Bench of this Court passed in LPA No.540/2015 delivered on 07.01.2016 ACN College of Pharmacy Vs. All India Council for Technical Education. Relevant portion highlighted by the learned counsel for the respondent reads herein as under:-

“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.”

Submission being that on the petitioner making an appropriate application, his case will be considered.

Learned counsel for the petitioner while rebutting this

submission points out that under a Notification published in the Gazette of India on 30.11.2016, the case of the petitioner can be reconsidered under 'extraordinary circumstances'. Learned counsel for the respondent rightly points out that no 'extraordinary circumstances' are made out in the present case. This contention of the petitioner is rejected.

The contention of the petitioner is that in another case in W.P. (Civil) No.395/2016 of the Apex Court Meera Devi Pharmacy College Vs. All India Council for Technical Education the respondent had granted permission to the petitioner in that case to have his case reconsidered for the next academic session may also be followed in the instant case. This submission has been refuted. The judgment of the Apex Court dated 26.07.2016 has been perused. What were the facts of that case are not decipherable from this judgment which is just half a page. Thus the submission of the petitioner that the same proposition should be followed in the instant case cannot be permitted; this is in the absence of this Court being in the knowledge of the facts of that case.

The Rules of the Department are clear. If there are deficiencies found in the case of the petitioner, he can apply afresh. The judgment of the Division Bench has expounded this proposition.

There is thus no merit in this petition. Dismissed.

INDERMEET KAUR, J

JULY 26, 2017

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