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

+ LPA 490/2017

S.HARINDER PAL SINGH & ORS

..... Appellants

Through: Mr.Sachin Datta, Sr. Adv. with
Mr.Nikhilesh Kumar, Advocate.

versus

AICTE & ORS

..... Respondents

Through: Mr.Anil Soni, Adv. for R-1.
Mr.Anuj Aggarwal, ASC with
Ms.Niti Jain, Adv. for R-2.
Mr.Abinash K. Mishra & Mr.Nitish
Harsh Gupta, Advocates for R-5.
Ms.Anita Sahani, Advocate for
GGSIP University.
Mr.Sanjay Singh, Adv. for R-6.
Ms.Rajdipa Behura, SPP for CBI,
Mr.Philomon Kani, Ms.Kriti Handa,
Mr.Vignaraj Pasayat & Ms.Karnika
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **26.07.2017**

C.M. No.25899/2017

Exemption allowed subject to all just exceptions.

The application stands disposed of.

LPA 490/2017 & C.M. No.25900/2017

The Appellants who claim to be the employees of respondent No.4-Guru Tegh Bahadur Polytechnic Institute, have preferred the present Letter Patent Appeal to assail the order dated 07.07.2017, passed by the learned Single Judge in W.P.(C) No.5075/2017. The learned Single Judge has declined, to grant stay of extension of approval for academic year 2017-2018, granted by the Respondent No.1-AICTE to respondent No.5 i.e. Guru Tegh Bahadur Institute of Technology in respect of the academic course being conducted by the respondent No.5. We may observe that both respondent Nos.4 and 5 are run by respondent No.3-Management. The primary plea of the appellants is that the respondent No.3 is seeking to promote respondent No.5 which is a degree college and to close the respondent No.4 which is a Polytechnic Institute of which they are employees. The learned Single Judge while passing the impugned order has observed as follows:-

“The court is informed that the counselling session for the students to be admitted in the academic session 2017-2018 is already over. It is also apparent that such interim relief is unlikely to result in a direct relief to the petitioner in as much as they are teachers and staff of respondent No.4 Institute. It is apparent that the endeavour of the petitioner is to stop the functioning of the respondent No.5 institute. Since the admission process has already commenced and any interdiction at this stage would affect the welfare and the educational prospects of the students, this court is of the view that no such interim relief ought to be granted. In the circumstances, the

interim relief as sought for is declined. Needless to mention that on conclusion of the present writ petition if it is found that the approval granted to respondent No.5 was illegal then appropriate directions will be passed in respect of further admissions thereafter.”

From the above, it would be seen that the counselling session of the students to be admitted in the academic session 2017-18 is already over.

Learned counsel for respondent No.5, who appears on advance notice informs the Court that today is the last date for receipt of payment of fee. He states that many of the students have already deposited the fee and only the left over students will have to deposit the fee today.

Learned counsel for respondent Nos.3 and 4, who also appears on advance notice submits that the respondent No.4-institute have shifted to Rajouri Garden. However, the Appellants have refused to shift to the new premises, on the plea that first the AICTE clearance should be obtained and only thereafter, they should be shifted to the premises at Rajouri Garden. This averment is disputed by the learned counsel for the appellants.

It is also pointed out that the appellants have not assailed the order dated 08.04.2017 and 30.04.2017 passed by Respondent No.1 in the writ proceedings. Therefore, they cannot continue to contend that respondent No.4-institute should run from the Vasant Vihar address.

Mr.Datta contends that these communications were procured by respondent No.3 by projecting a false picture to the AICTE. Be that

as it may, it was for the appellants to assail the said orders, if they are so aggrieved. In this background, there is no justification for grant of any interim order as prayed for by the appellants in the writ petition.

The pending application stands disposed of.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 26, 2017/gm