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

+ **W.P.(C) 6238/2017 & C.M.Nos.25891-92/2017**

GURU TEGH BAHADUR INSTITUTE OF TECHNOLOGY

..... Petitioner

Through Mr. Abinash K. Mishra, Adv.

versus

**ALL INDIA COUNCIL FOR TEACHER EDUCATION (AICTE) &
ANR**

..... Respondents

Through Mr. Anil Soni, St Counsel with
Mr.Naginder Benipal and Ms.
Priyanka Singh, Advs for R-1.
Ms. Sana Ansari for Ms. Anika
Sahani, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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24.07.2017

Petitioner is aggrieved by the acts of the respondents; his submission is that his representation dated 03.07.2017 followed by representations dated 12.07.2017 and 14.07.2017 seeking permission for admission of students in the 2nd year degree course for the current academic session 2017-18 yet remain unanswered.

Record shows that on 19.04.2016, the petitioner was put under a 'no admission' category by the respondents. This was challenged in W.P. (C) No.3684/2016. On 02.08.2016, the learned Single Judge had refused to grant interim order in favour of the petitioner. LPA No.451/2016 was preferred against the order dated 02.08.2016. LPA

was also dismissed on 11.08.2016. SLP (C) No.26694/2016 was filed against the order of the Division Bench which was permitted to be withdrawn on 26.09.2016 with liberty granted to the petitioner to appear before the learned Single Judge and raise all such pleas in the pending W.P.(C) No.3684/2016. The said writ petition was listed before another Court today.

Meanwhile, respondent No. 1 had considered the case of the petitioner on 10.04.2017. The case of the petitioner was found fit and he was granted permission to admit students in the academic session 2017-2018. On 06.07.2017, the schedule for online counselling/admission had been declared by respondent No. 2. The portion highlighted by the petitioner reads herein as under:-

“Diploma holders and B.Sc. Degree holders shall be eligible for admission to Second year Engineering Course of clear maximum of 20% of ‘Approved Intake’ (30% for institutions in Andaman Nicobar, Lakshadweep, Daman and Diu) which shall be over and above, supernumerary to the ‘Approved Intake’, plus the unfilled vacancies of first year as per the Approved Process Handbook”

This is in fact the premise of his writ petition. Submission is that the petitioner should be granted permission to fill in the seats in his institute for the 2nd year Engineering Course under the aforementioned quota.

On advance notice, learned counsel for the respondents have put in appearance. They have opposed this submission of the petitioner. Contention is that this writ petition is nothing but an abuse

of the process of the Court.

It has rightly been pointed out by learned counsel for the respondents that for the last academic session, the petitioner admittedly was in the category of 'no admission'; meaning thereby that for the last academic session 2016-2017, his Institute had not been granted permission to admit any student as there were lacuna noticed in the Institute. On 20.04.2017, respondent No. 1 had granted an approval to the petitioner institute whereupon he started the admission process for the four year degree course in Engineering.

Petitioner's contention that he should be allowed to admit students in the 2nd year qua certain vacant seats of the last year is not only a misconceived submission but appears to be more than that; it is mischievous. When admittedly the petitioner was in the category of 'no admission' in the last year, the question of his having vacant seats in that year would not arise. There being no admission in the last year, the contention of the petitioner that he be permitted to carry forward those seats to this current year and he be permitted to take admission of students in the second year is completely out of context. W.P. (C) No.3684/2016 had challenged the 'no admission' of the petitioner for the year 2016-2017. That petition is also pending. At this stage, it has been put to the learned counsel for the petitioner that he should be better advised to withdraw this petition as this petition is nothing but a wastage of precious time of this Court; he nevertheless seeks an order on merits.

This Court is of the view that this petition is wholly without any merit. At the cost of repetition, the petitioner institute has been

put in the category of ‘no admission’ for the last year; the question of his carrying forward the seats of the last year to the present academic session and to fill in seats in the second year degree course (when admittedly no first year had taken place in the last academic year) is nothing but a mischievous argument. This Court finds no merit in this argument. Reliance by the learned counsel for the petitioner at the Handbook of 2017-2018 clause 9 which read as:-

““Diploma holders and B.Sc. Degree holders shall be eligible for admission to Second year Engineering Course up to a maximum of 20% of ‘Approved Intake’ (30% for institutions in Andaman Nicobar, Lakshadweep, Daman and Diu) which shall be over and above, supernumerary to the ‘Approved Intake’, plus the unfilled vacancies of first year as per the Approval Process Handbook””

is again misunderstood. This eventuality would arise only if a student had completed his first year and admissions for the second year were in progress. This is not so in the instant case. Admittedly there were no admissions in the last year and thus the question of the petitioner having vacant seats in that year would not arise.

Petition being nothing but an abuse of the process of the Court; it is dismissed with costs quantified at the cost of Rs.25,000/-.

INDERMEET KAUR, J

JULY 24, 2017

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