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

+ LPA 539/2017 & C.M. Nos.28784-86/2017

GURU TEGH BAHADUR INSTITUTE OF TECHNOLOGY

..... Appellant

Through: Mr. Abinash K Mishra, Adv.

versus

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

..... Respondent

Through: Mr. Anil Soni, Standing Counsel with
Mr. Nivesh Sharma and Ms. Priyanka
Singh for R-1
Ms. Anita Sahani, Adv for R-2

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER
11.08.2017**

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The present appeal assails the order dated 24.07.2017 passed by the learned Single Judge in W.P. (C.) No. 6238/2017, whereby the said writ petition preferred by the appellant has been dismissed with costs of Rs.25,000/-.

The appellant/ petitioner made representations to the respondent seeking permission for admission of students in 2nd year degree course for the current academic session 2017-18. The brief background facts are that in the previous year i.e. 2016-17, the appellant had been placed in “No

Admission” category by the respondent. Thus, in the academic session 2016-17, no students were admitted in the first year of the course. This also means that there was zero intake in the session 2016-17 in the first year.

The appellant by placing reliance on a rule of respondent No.2 university, namely, Guru Gobind Singh Indraprastha University contended that it can directly admit students in the second year for the academic session 2017-18. The relevant extract from the rule of respondent No.2 university relied upon by the appellant reads as follows:

“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.”

The submission of the appellant before the learned Single Judge was, and even before us is, that the appellant is entitled to grant admission to second year engineering course of clear maximum of 20% of the approved intake, which is over and above, supernumerary to the approved intake. According to the appellant, the approved intake for the academic session 2017-18 is 600, and 20% of that, i.e. 120 candidates the appellant is entitled to directly admit in the second year of the engineering course from amongst diploma holders and B.SC degree holders.

The interpretation advanced by the appellant has been rejected by the learned Single Judge and, in our view, rightly so. The approved intake in respect of the appellant institution granted for the academic session 2017-18 is, obviously, only in respect of the first year. Merely because the appellant

has been permitted to admit students in the engineering course, it does not follow that it can admit students in each of the years, namely, 1st, 2nd, 3rd and 4th year of engineering course in the said academic session. To claim that the appellant has an approved intake of 600 even in the second year for the academic session 2017-18 is completely misconceived. Pertinently, the appellant has no second year students from amongst its own college students, since, for the academic session 2016-17 it was placed in “No Admission” category.

The appellant is clearly trying to be too clever by half. In our view, as rightly held by the learned Single Judge, the attempt of the appellant is an abuse of the process of the court. Accordingly, the appeal is dismissed with costs of Rs.50,000/-. The costs imposed by the learned Single Judge and by us shall be deposited with the Delhi Legal Services Authority within two weeks.

A copy of this order be communicated to the Delhi Legal Services Authority.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 11, 2017

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